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**THE STATUTES:  
REVISED EDITION.**

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**VOL. III.**

**11 GEORGE III. TO 41 GEORGE III.  
A.D. 1770—1800. (G.B.)**

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## INTRODUCTION TO THE THIRD VOLUME.

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THE present volume embraces the period from the 11th year of George the Third (A.D. 1770) to the end of the last Parliament of Great Britain in the 41st year of that reign (A.D. 1800); and shows the effect of repeals to the Session of 1871 (34 & 35 Vict.) inclusive. The volume is somewhat smaller in bulk than the approved standard of the edition; but it appeared convenient that it should conclude at a marked epoch in the history of our statute law,—the Union of Ireland with Great Britain,—and that the legislation of the United Kingdom should be entered upon in a fresh volume.

As an exception to the rule of printing all enactments not actually repealed, the Editor has been authorised, as in the case of the preceding volume, to omit certain enactments, included, with a view to their immediate repeal, in a Bill, following the series of expurgatory Acts already passed, which has been laid before Parliament in the present Session. These enactments are described in the Chronological Table prefixed to this volume as *Virtually Repealed*. Among them are certain Acts, and parts of Acts, relating to the constitution and powers of the East India Company, as it existed before the passing of the 21 & 22 Vict. c. 106. It is understood that a complete revision, with a view to an extensive repeal, of the Statutes relating to India, has been undertaken by the East Indian Executive, and that a Bill to carry it into effect will be submitted to Parliament at an early date. Had such a Bill been passed antecedently to the present publication, a considerable quantity of matter, which is obsolete or superseded, might advantageously have been omitted from these pages. But the Editor did not think himself warranted either in anticipating the action of the Legislature in this respect, or in delaying for an uncertain period the publication of this portion of the Revised Statutes.



The text followed in the present volume is that of the original King's Printers' copies of the Acts. The marginal notes, however, have been revised throughout, so as to bring them into more exact accordance with the text.

In other respects the work has been conducted on the same plan as that already described, and by the same Editor and assistants as the preceding volume.

*May* 1872.

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## CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

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# CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

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c. 53. -	Copyright in books given or bequeathed to universities and colleges. - - -	Rep. in part, Stat. Law Rev. Act, 1861.	81
cc. 54, 55. -	- - - - -	Local.	
c. 56. -	Six clerks office, &c. in Chancery - - -	Rep. in part, Stat. Law Rev. Act, 1871.	84
cc. 57-73. -	- - - - -	Local or personal.	
16 Geo. 3.			
c. 1. -	Malt duties - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 2. -	Mutiny - - - - -		
c. 3. -	Militia - - - - -		
c. 4. -	Land tax - - - - -		
c. 5. -	Intercourse with revolted colonies, America - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 6. -	Discovery of a northern passage - - -	Rep., 58 Geo. 3. c. 20. s. 9.	
c. 7. -	Marine mutiny - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 8. -	Importation - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 9. -	- - - - -	Local.	
c. 10. -	Cornwall duchy - - - - -	Private.	
c. 11. -	Mutiny, America - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 12. -	Customs - - - - -		
c. 13. -	- - - - -	Personal.	
c. 14. -	Land tax - - - - -	Rep., Stat. Law Rev. Act, 1871.	
cc. 15-18. -	- - - - -	Local or personal.	
c. 19. -	Militia pay - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 20. -	Navigation - - - - -		
cc. 21-23. -	- - - - -	Local.	
c. 24. -	Greenwich hospital - - - - -	Rep., 10 Geo. 4. c. 25. s. 1.	
cc. 25-29. -	- - - - -	Local or personal.	
c. 30. -	Stealing of deer - - - - -	Rep., 7 & 8 Geo. 4. c. 27. s. 1.	
cc. 31-33. -	- - - - -	Local or personal.	
c. 34. -	Taxation - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 35. -	Loans or exchequer bills - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 36. -	Pilchard fishery, Cornwall - - - - -	Rep., 4 & 5 Vict. c. lvii. s. 1.	
c. 37. -	Exportation - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 38. -	Insolvent debtors relief - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 39. -	Turnpike roads - - - - -	Rep., 3 Geo. 4. c. 126. s. 1.	
c. 40. -	Poor - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 41. -	Importation - - - - -		
c. 42. -	Customs - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 43. -	Criminal law - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 44. -	Turnpike roads - - - - -	Rep., 3 Geo. 4. c. 126. s. 1.	
c. 45. -	Loans or exchequer bills - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 46. -	Mint prosecutions expenses - - - - -		
c. 47. -	Whale fishery, &c. - - - - -	Rep.— in part, 26 Geo. 3. c. 50. s. 1. residue, 6 Geo. 4. c. 105.	
c. 48. -	Customs - - - - -	Rep., 6 Geo. 4. c. 105.	
c. 49. -	Appropriation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 50. -	Indemnity - - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 51. -	East India company - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 52. -	Natural-born children of aliens - - -	Rep., 33 & 34 Vict. c. 14. s. 18.	
c. 53. -	- - - - -	Local.	
c. 54. -	Continuance of acts - - - - -	Rep., Stat. Law Rev. Act, 1871.	
cc. 55-83. -	- - - - -	Local or personal.	
17 Geo. 3.			
c. 1. -	Land tax - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 2. -	Malt duties - - - - -		
c. 3. -	Mutiny - - - - -		
c. 4. -	Marine mutiny - - - - -		
cc. 5, 6. -	- - - - -	Local or personal.	

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c. 7. -	Privateers - - - - }	Rep., Stat. Law Rev. Act, 1861.	
c. 8. -	East India company - - - }		
c. 9. -	Habeas corpus suspension - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 10. -	Militia pay - - - - }		
c. 11. -	Woollen, &c. manufactures in York- shire, Lancashire and Cheshire.	Rep. in part, Stat. Law Rev. Act, 1861.	87
cc. 12-15. -	- - - - -	Local.	
c. 16. -	Turnpike roads - - - -	Rep., 3 Geo. 4. c. 126. s. 1.	
c. 17. -	Crown lands - - - -	Private.	
cc. 18-20. -	- - - - -	Local.	
c. 21. -	Civil list - - - -	Rep., Stat. Law Rev. Act, 1871.	
cc. 22-25. -	- - - - -	Local or personal.	
c. 26. -	Grants of life annuities - - - }	Rep., Stat. Law Rev. Act, 1861.	
c. 27. -	Customs - - - - - }		
c. 28. -	Exportation - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 29. -	Adulteration of tea - - - -	Rep. in part, Stat. Law Rev. Act, 1871.	95
c. 30. -	Bills of exchange under 5 <i>l.</i> - - }	Rep. in part, 17 & 18 Vict. c. 83. s. 9. Rep., 26 & 27 Vict. c. 105. (which is temp., but cont., 34 & 35 Vict. c. 95.)	
c. 31. -	Composition for a crown debt - -	Private.	
c. 32. -	- - - - -	Local.	
c. 33. -	Dyers - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 34. -	Navigation - - - - -		
c. 35. -	Importation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 36. -	First meetings of commissioners, &c. - }		
c. 37. -	Indemnity - - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 38. -	Loans or exchequer bills - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 39. -	Taxation - - - - -		
c. 40. -	Captures - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 41. -	Customs - - - - -	Rep., 6 Geo. 4. c. 105.	
c. 42. -	Bricks & tiles - - - -	Rep., 19 & 20 Vict. c. 64.	
c. 43. -	Customs - - - - -	Rep., 6 Geo. 4. c. 105.	
c. 44. -	Continuance of laws - - - -		
c. 45. -	Papists - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 46. -	National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 47. -	Appropriation - - - - -		
c. 48. -	Finding of the longitude at sea - }	Rep., Stat. Law Rev. Act, 1871.	
c. 49. -	Composition for a crown debt - -	Private.	
c. 50. -	Auctioneers' licences, &c. - - -	Rep., 33 & 34 Vict. c. 99.	
c. 51. -	Loans or exchequer bills - - - }		
c. 52. -	Duties on soap, &c. - - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 53. -	Repairs, &c. of residences of parochial clergy.	Rep. in part, 1 & 2 Vict. c. 23. s. 2.	99
c. 54. -	- - - - -	Local.	
c. 55. -	Manufacture of hats - - - -	Rep. in part— 6 Geo. 4. c. 129. s. 2. Stat. Law Rev. Act, 1871.	114
c. 56. -	Frauds in hat & woollen, &c. manu- factures.	Rep. in part, Stat. Law Rev. Acts, 1861, 1871.	116
c. 57. -	Copyright in prints, &c. - - - -	- - - - -	130
c. 58. -	- - - - -	Local.	
c. 59. -	Rolls estate - - - - -	Rep., 7 Will. 4. & 1 Vict. c. 46. s. 1.	
cc. 60-111. -	- - - - -	Local or personal.	
18 Geo. 3.			
c. 1. -	Habeas corpus suspension - - - }		
c. 2. -	Land tax - - - - - }		
c. 3. -	Malt duties - - - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 4. -	Mutiny - - - - - }		
c. 5. -	Marine mutiny - - - - - }		

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c. 6.	Navigation - - - -	Rep., Stat. Law Rev. Act, 1871.	132
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c. 11.	Province of Massachusetts Bay -	Rep., Stat. Law Rev. Act, 1871.	
c. 12.	Taxation of the colonies -	Rep. in part, Stat. Law Rev. Act, 1871.	
c. 13.	American rebellion - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 14.	Militia - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 15.	Prize - - - -	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 16.	Exportation - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 17.	- - - -	Local.	
c. 18.	Forgery - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 19.	Payment of charges of constables -	Rep. in part— 7 Geo. 4. c. 64. s. 32. 11 & 12 Vict. c. 43. s. 36.	133
cc. 20, 21.	- - - -	Local.	
c. 22.	National debt - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 23.	Land tax - - - -	Rep., Stat. Law Rev. Act, 1871.	
cc. 24, 25.	Customs - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 26.	House duty - - - -	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 27.	Customs - - - -	Rep., 6 Geo. 4. c. 105.	
c. 28.	Turnpike roads - - - -	Rep., 3 Geo. 4. c. 126. s. 1.	
c. 29.	Crown lands: Greenwich hospital -	Private.	
c. 30.	Duty on servants - - - -	Rep., 21 Geo. 3. c. 31. s. 1.	
c. 31.	Settlement on the royal princes and princesses.	Rep., Stat. Law Rev. Act, 1871.	135
cc. 32-37.	- - - -	Local.	
c. 38.	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 39.	Indemnity - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 40.	Customs - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 41.	- - - -	Personal.	
c. 42.	Smalls Rocks lighthouse - - -	Rep. in part, Stat. Law Rev. Act, 1871. Residue local.	
cc. 43, 44.	- - - -	Local.	
c. 45.	Continuance of laws - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 46.	Papists - - - -		
c. 47.	Poor apprentices - - - -	- - - -	
cc. 48-51.	- - - -	Local.	
c. 52.	Insolvent debtors relief, &c. -	Rep., Stat. Law Rev. Act, 1871.	
c. 53.	Recruiting - - - -	Rep., 19 Geo. 3. c. 10. s. 1.	
c. 54.	Appropriation - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 55.	Exportation, &c. - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 56.	Importation - - - -		
c. 57.	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 58.	Customs - - - -	Rep., 6 Geo. 4. c. 105.	
c. 59.	Militia, &c. - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 60.	Papists - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 61.	Forfeited estates, Ireland - -	Private.	
c. 62.	Criminal law - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 63.	Turnpike roads - - - -	Rep., 3 Geo. 4. c. 126. s. 1.	
c. 64.	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 65.	Provision for earl of Chatham -		
cc. 66-116.	- - - -	Local.	
19 Geo. 3.			
c. 1.	Habeas corpus suspension - - -	Rep., Stat. Law Rev. Act, 1871.	135
c. 2.	Land tax - - - -		
c. 3.	Malt duties - - - -		
c. 4.	Customs - - - -		
c. 5.	Prize - - - -	Rep., 27 & 28 Vict. c. 23. s. 1.	135
c. 6.	Court martial on admiral Keppel -	Rep., Stat. Law Rev. Act, 1871.	
c. 7.	- - - -	Local.	
c. 8.	Marine mutiny - - - -	Rep., Stat. Law Rev. Act, 1871.	

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c. 10.	Recruiting	Local.	
cc. 11-13.	Navigation	Rep., Stat. Law Rev. Act, 1871.	
c. 14.	Madhouses	Rep., 9 Geo. 4. c. 41. s. 1.	
c. 15.	Mutiny	Rep., Stat. Law Rev. Act, 1871.	
c. 16.	Naval courts-martial	Rep., 23 & 24 Vict. c. 123. s. 86.	
c. 17.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 18.	Militia pay	Rep., Stat. Law Rev. Act, 1871.	
c. 19.	Fund for widows, &c. of Scotch ministers and heads, &c. of universities.	Rep. in part, Stat. Law Rev. Act, 1871.	
c. 20.			
c. 21.	Lottery office keepers	Rep., Stat. Law Rev. Act, 1861.	
c. 22.	Continuance of laws	Rep., 6 Geo. 4. c. 105.	
cc. 23, 24.	Taxation	Local.	
c. 25.	Herring fishery	Rep., Stat. Law Rev. Act, 1861.	
c. 26.	Bounties	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 27.	Importation	Rep., Stat. Law Rev. Act, 1871.	
c. 28.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 29.	Tobacco	Local.	
cc. 30-34.		Rep., 1 & 2 Will. 4. c. 13. s. 1.	
c. 35.	Bounty on hemp	Local.	
c. 36.	Exchequer court, Scotland	Rep., Stat. Law Rev. Act, 1871.	
c. 37.		Local.	
c. 38.	Duties on starch	Rep., Stat. Law Rev. Act, 1861.	
c. 39.	Customs	Local.	
c. 40.		Rep. in part, 34 & 35 Vict. c. 48.	
c. 41.	Relief of Protestant dissenting ministers, &c.		
cc. 42, 43.	Lancaster duchy	Private.	
c. 44.		Local.	
c. 45.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 46.	Shipping & navigation	Rep., Stat. Law Rev. Act, 1861.	
c. 47.	Recovery of wages and debts by lace makers.	Rep. in part, 1 & 2 Will. 4. c. 36. ss. 1, 2.	
c. 48.			
c. 49.	Distillers	Rep., Stat. Law Rev. Act, 1861.	
cc. 50-53.	Taxation	Rep., Stat. Law Rev. Act, 1871.	
c. 54.	Criminal law	Rep., Stat. Law Rev. Act, 1861.	
c. 55.	First meetings of commissioners, &c.	Local.	
c. 56.	Auction duties, &c.	Rep., 43 Geo. 3. c. 161. s. 84.	
cc. 57, 58.		Local.	
c. 59.	Duties on houses, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 60.		Rep., 6 Geo. 4. c. 105.	
c. 61.	East India company	Rep., Stat. Law Rev. Act, 1871.	
c. 62.	Customs	Rep., Stat. Law Rev. Act, 1861.	
cc. 63, 64.	Loans or exchequer bills	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 65.	Salaries of judges	Local.	
c. 66.	Stamp duties	Rep., Stat. Law Rev. Act, 1861.	
c. 67.	Navy	Rep., Stat. Law Rev. Act, 1861.	
c. 68.		Rep. in part, 32 & 33 Vict. c. 83. s. 20.	
c. 69.	Smuggling, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 70.	Execution on judgments of inferior courts, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 71.	Appropriation	Rep., Stat. Law Rev. Act, 1871.	
c. 72.	Militia, &c.	Rep., Stat. Law Rev. Act, 1861.	
c. 73.	Loans or exchequer bills		
c. 74.	Transportation, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 75.	Navy		
c. 76.	Militia	Rep., Stat. Law Rev. Act, 1861.	
c. 77.	Composition for a crown debt	Private.	
cc. 78-120.		Local.	

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c. 3.	Malt duties		
cc. 4, 5.	Continuance of acts		
c. 6.	Trade		
c. 7.	Customs	Rep., 6 Geo. 4. c. 105.	
c. 8.	Militia	Rep., Stat. Law Rev. Act, 1861.	
c. 9.	Prize	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 10.	Trade	Rep., 6 Geo. 4. c. 105.	
c. 11.		Local.	
c. 12.	Mutiny	Rep., Stat. Law Rev. Act, 1871.	
c. 13.	Marine mutiny		
c. 14.	Militia pay		
c. 15.		Local.	
c. 16.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 17.	Voting by second husbands of women entitled to dower.	Rep. in part, Stat. Law Rev. Act, 1871.	
c. 18.	Trade with Ireland	Rep., Stat. Law Rev. Act, 1871.	
c. 19.	Continuance of laws		
c. 20.	Supply of seamen		
cc. 21, 22.		Local.	
c. 23.	Navy	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 24.		Local.	
c. 25.	Customs	Rep., Stat. Law Rev. Act, 1871.	
cc. 26, 27.		Local.	
c. 28.	Stamp duties	Rep., Stat. Law Rev. Act, 1871.	
c. 29.	Trade		
c. 30.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 31.	Bounty on corn	Rep., Stat. Law Rev. Act, 1871.	
c. 32.		Local.	
c. 33.	Rolls estate	Rep., Stat. Law Rev. Act, 1871.	
c. 34.	Salt duties	Rep., Stat. Law Rev. Act, 1861.	
c. 35.	Duties on malt, &c.		
c. 36.	Poor apprentices, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 37.	Volunteers	Rep., 23 Geo. 3. c. 37.	
c. 38.	Fortifications	Local.	
c. 39.	Tobacco	Rep., Stat. Law Rev. Act, 1871.	
c. 40.	Completion of Somerset House		
c. 41.	Payment of creditors, Scotland	Rep., 6 Geo. 4. c. 105.	
c. 42.	Isle of Man		
c. 43.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1871.	
c. 44.	Militia	Rep., Stat. Law Rev. Act, 1861.	
c. 45.	Importation, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 46.	Exportation		
c. 47.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 48.		Local.	
c. 49.	Fortifications		
c. 50.	Parliament	Rep., Stat. Law Rev. Act, 1871.	
cc. 51, 52.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 53.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1871.	
c. 54.	Audit of public accounts		
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c. 56.	East India company		
c. 57.	Loans or exchequer bills		
c. 58.	East India company	Rep., Stat. Law Rev. Act, 1861.	
c. 59.	Exportation, &c.		
c. 60.	Fisheries	Rep., Stat. Law Rev. Act, 1861.	
c. 61.	Finding of the longitude at sea	Rep., Stat. Law Rev. Act, 1871.	
c. 62.	Appropriation		
c. 63.	Indemnity, suppression of riots		
c. 64.	Release of prisoners by rioters	Local.	
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c. 2.	Habeas corpus suspension			
c. 3.	Land tax			
c. 4.	Malt duties			
c. 5.	Prize	Rep., 27 & 28 Vict. c. 23. s. 1.		
c. 6.	Importation	Rep., Stat. Law Rev. Act, 1871.		
c. 7.	Militia	Rep., Stat. Law Rev. Act, 1861.		
c. 8.	Mutiny	Rep., Stat. Law Rev. Act, 1871.		
c. 9.	Marine mutiny			
c. 10.	Fortifications	Local.		
c. 11.	Navy, &c.	Rep., Stat. Law Rev. Act, 1871.		
cc. 12, 13.		Local.		
c. 14.	Extension to Ireland of British lottery acts.	Rep. in part, Stat. Law Rev. Act, 1870.		160
c. 15.	Navy	Rep., 27 & 28 Vict. c. 23. s. 1.		
c. 16.	Customs	Rep., 6 Geo. 4. c. 105.		
c. 17.	Excise duties	Rep., Stat. Law Rev. Act, 1861.		
c. 18.	Militia	Rep., Stat. Law Rev. Act, 1871.		
c. 19.	Navigation			
c. 20.	Turnpike roads	Rep., 3 Geo. 4. c. 126. s. 1.		
c. 21.	Militia pay	Rep., Stat. Law Rev. Act, 1871.		
c. 22.		Local.		
c. 23.	Land tax	Rep., Stat. Law Rev. Act, 1871.		
c. 24.	Paper duties	Rep., 2 & 3 Vict. c. 23. s. 67.		
c. 25.	Indemnity	Rep., 34 & 35 Vict. c. 48.		
cc. 26, 27.	Importation	Rep., Stat. Law Rev. Act, 1871.		
c. 28.	Customs	Rep., 6 Geo. 4. c. 105.		
c. 29.	Continuance of laws	Rep., Stat. Law Rev. Act, 1871.		
c. 30.		Local.		
c. 31.	Duties on servants	Rep., 43 Geo. 3. c. 161. s. 84.		
c. 32.	Customs	Rep., Stat. Law Rev. Act, 1861.		
c. 33.		Local.		
c. 34.	Admeasurement of coals	Rep., Stat. Law Rev. Act, 1861.		
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c. 37.	Exportation	Rep., 6 Geo. 4. c. 105.		
c. 38.		Local.		
c. 39.	Smuggling	Rep., 6 Geo. 4. c. 105.		
c. 40.	Bounties	Rep., Stat. Law Rev. Act, 1871.		
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c. 43.	Parliament	Rep., 27 & 28 Vict. c. 23. s. 1.		
c. 44.	Prize			
c. 45.	Audit of public accounts	Rep., Stat. Law Rev. Act, 1871.		
c. 46.	Fortifications	Private.		
c. 47.		Local.		
c. 48.	Balances in hands of paymasters-general, &c.	Rep., Stat. Law Rev. Act, 1871.		
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c. 54.	Parliamentary elections, Coventry	Local.		
c. 55.	Excise	Rep., Stat. Law Rev. Act, 1871.		
c. 56.	Duty on almanacks	Rep., Stat. Law Rev. Act, 1861.		
c. 57.	Appropriation	Rep., Stat. Law Rev. Act, 1871.		
c. 58.	Growth of hemp and flax			
c. 59.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1861.		
c. 60.	Advance by bank of England			
c. 61.	Fortifications	Local.		
c. 62.	Importation	Rep., 6 Geo. 4. c. 105.		
c. 63.	Insolvent debtors relief	Rep., Stat. Law Rev. Act, 1871.		
c. 64.	Excise			
c. 65.	East India company	Virt. rep.		



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c. 9.	Land tax	Rep., Stat. Law Rev. Act, 1871.	
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c. 12.	Fortifications	Rep., Stat. Law Rev. Act, 1871.	
c. 13.	Continuance of laws	Local.	
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c. 15.	Prize	Rep., Stat. Law Rev. Act, 1871.	
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c. 19.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 20.	Customs	Local.	
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c. 22.	Papists	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 23.	Militia pay	Rep., Stat. Law Rev. Act, 1871.	
c. 24.	Prize	Rep., Stat. Law Rev. Act, 1871.	
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c. 26.	- - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 30.	Parliamentary elections, Cricklade	Rep., Stat. Law Rev. Act, 1861.	
c. 31.	- - - - -	Rep., Stat. Law Rev. Act, 1870.	
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c. 33.	National debt	Rep., Stat. Law Rev. Act, 1871.	
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c. 38.	Salt duties	Rep., 31 & 32 Vict. c. 73.	
c. 39.	Criminal law	Local.	
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c. 51.	East India company	Rep., Stat. Law Rev. Act, 1871.	
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c. 53.	Repeal of act for securing dependency of Ireland	Rep., 34 & 35 Vict. c. 48.	
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c. 61.	Customs	Rep., Stat. Law Rev. Act, 1861.	
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c. 63.	Use of Highland dress		
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c. 66.	Customs & excise	Rep., Stat. Law Rev. Act, 1861.	
c. 67.	Appropriation	Rep., Stat. Law Rev. Act, 1871.	
c. 68.	Taxation	Rep., Stat. Law Rev. Act, 1861.	
c. 69.	John Whitehill, Esq.	Rep., 23 Geo. 3. c. 19.	
c. 70.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 71.	Supply of ships to enemies	Rep., Stat. Law Rev. Act, 1871.	
c. 72.	Importation		
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c. 76.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1871.	
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c. 79.	Volunteers	Rep., Stat. Law Rev. Act, 1871.	
c. 80.	Fortifications	Local.	
c. 81.	Paymaster-general	Rep., 48 Geo. 3. c. 49. s. 1.	
c. 82.	Regulation of civil list, pensions & secret service money.	Rep. in part— 26 Geo. 3. c. 43. s. 1. Stat. Law Rev. Act, 1871.	174
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c. 23.	-	Local.	
c. 24.	Mutiny	Rep., Stat. Law Rev. Act, 1871.	
c. 25.	-	Local.	
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c. 37.	Recruiting - - - - -	Virt. rep.	
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c. 56.	Customs - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 58.	Stamp duties - - - - -	Rep., Stat. Law Rev. Act, 1861.	
cc. 59, 60.	Sir Thomas Rumbold & another	Rep., Stat. Law Rev. Act, 1871.	
c. 61.	- - - - -	Local or personal.	
c. 62.	Stamp duties - - - - -	- - - - -	
c. 63.	Stage coach, &c. duty - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 64.	Malt duties - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 65.	African company - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 66.	Duties on waggons, &c.	Rep.— in part, 25 Geo. 3. c. 47. ss. 3, 5, residue, 32 Geo. 3. c. 4.	
c. 67.	Stamp duties - - - - -	Rep., 34 Geo. 3. c. 11. s. 1.	
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c. 77.	Flax, &c. manufacture - - - - -	- - - - -	
c. 78.	Appropriation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 79.	Coffee & cocoa-nuts - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 80.	American loyalists - - - - -	- - - - -	
c. 81.	Exportation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 11.	Duties upon candles	Rep., Stat. Law Rev. Act, 1861.	
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c. 13.	Audit of public accounts	Rep., Stat. Law Rev. Act, 1871.	
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c. 31.	Duties on horses	Rep., Stat. Law Rev. Act, 1861.	
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c. 33.	Loans or exchequer bills	Rep., Stat. Law Rev. Act, 1870.	
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c. 38.	Taxation	Rep., Stat. Law Rev. Act, 1870.	
c. 39.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 40.	Duties on linens	Rep., Stat. Law Rev. Act, 1861.	
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c. 45.	- Trade with British America - - -		
c. 46.	- Duties on spirits - - -		
c. 47.	- Smuggling - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 48.	- Duties on starch and soap - - -	Rep., 6 Geo. 4. c. 105.	
c. 49.	- Customs - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 50.	- Exportation, &c. - - -		
c. 51.	- Hat duties, &c. - - -		
c. 52.	- Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 53.	- Duties on plate - - -	Rep. in part— 25 Geo. 3. c. 64. s. 2. Stat. Law Rev. Act, 1871.	207
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c. 58.	- Indemnity - - -	Rep., 34 & 35 Vict. c. 48.	
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c. 4.	Trade with America - - -		
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c. 94.	Annuity to Brook Watson, esq. - - - - -	Rep., 31 & 32 Vict. c. 45. s. 71.	
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c. 9.	Postage - - - - -	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
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c. 3.	- Duties on servants	- }	
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c. 5.	- Land tax	- Rep., Stat. Law Rev. Act, 1871.	
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c. 13.	- Annuities to duke and duchess of York	- }	
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c. 17.	- Marine mutiny	- }	
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c. 21.	- Frauds in excise revenue	- Rep., 3 & 4 Vict. c. 49. s. 69.	
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c. 27.	- Indemnity	- Rep., 34 & 35 Vict. c. 48.	
c. 28.	- Lottery	- Rep., Stat. Law Rev. Act, 1871.	
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c. 33.	- Navy	- Rep., 11 Geo. 4. & 1 Will. 4. c. 20. s. 1.	
c. 34.	- Navy	- Rep., 55 Geo. 3. c. 60. s. 1.	
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c. 47.	- Hackney coaches	- Rep., 1 & 2 Will. 4. c. 22. s. 1.	
c. 48.	- Middlesex sessions	- }	
c. 49.	- Importation	- Rep., Stat. Law Rev. Act, 1861.	
c. 50.	- Coast trade	- Rep., 6 Geo. 4. c. 105.	
c. 51.	- Stamp duty	- Rep., Stat. Law Rev. Act, 1861.	
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c. 53.	- Justices of the peace, Metropolis	- Rep., 42 Geo. 3. c. 76. s. 1.	
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c. 67. -	Marines - - - - -	Local.	
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c. 2. -	Exportation - - - - -	Rep., 6 Geo. 4. c. 105.	
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c. 4. -	Aliens - - - - -		
c. 5. -	Debtors relief - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 6. -	Marine mutiny - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 8. -	Families of militiamen - - - - -	Rep., 43 Geo. 3. c. 47. s. 1.	
c. 9. -	Mutiny - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 26. -	Supply of seamen - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 27. -	Correspondence with enemies - - - - -		
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c. 52. -	East India company and government of India - - - - -	Virt. rep. in part.	
c. 53. -	Pawnbrokers - - - - -	Determined, 36 Geo. 3. c. 87. s. 1.	
c. 54. -	Friendly societies - - - - -	Rep., 18 & 19 Vict. c. 63. s. 1.	

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c. 56.	- Sugar - - - - -	Rep., 6 Geo. 4. c. 105.	
c. 57.	- Warehoused tobacco, &c. - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 58.	- Southern whale fishery - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 59.	- Excise - - - - -	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 60.	- Mail to Spain - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 61.	- Distilleries, Scotland, &c. - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 62.	- Lottery - - - - -	Rep., 1 & 2 Geo. 4. c. 87. s. 1.	372
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c. 66.	- Manning of the navy, &c. - - - - -	9 Geo. 4. c. 31. s. 1.	
c. 67.	- Obstructing the loading of ships, &c. - - - - -	Stat. Law Rev. Act, 1871.	
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c. 68.	- Courts of Wales & counties palatine - - - - -	Residue reserved for supplemental volume.	
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c. 71.	- Post horse duties - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 72.	- Appropriation - - - - -	Local.	
c. 73.	- Slave trade - - - - -	Determined, 49 Geo. 3. c. 27. s. 10.	
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c. 78.	- Cornwall duchy - - - - -	Local.	
c. 79.	- - - - -	Rep., 6 Geo. 4. c. 105.	
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c. 81.	- Customs - - - - -	Rep., 6 Geo. 4. c. 105.	
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c. 12.	- Indemnity - - - - -	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 13.	- Mutiny - - - - -	Local.	
c. 14.	- Stamps - - - - -	Rep., 2 & 3 Vict. c. 23. s. 67.	
c. 15.	- Duties on bricks & tiles - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 16.	- Militia - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 18.	- Postage - - - - -	Rep., 1 & 2 Vict. c. 44. s. 93.	
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c. 20.	- Paper duties - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 22.	- Fisheries - - - - -	Rep., 5 & 6 Vict. c. 100. s. 1.	
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c. 30.	- Militia pay - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 35.	Governors of West India Islands, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 36.	Continuance of laws - - - -		
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c. 40.	Public lottery - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 41.	Bond debt of East India company	- - - -	
c. 42.	Prize - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 43.	Enlistment - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 45.	Criminal court, Norfolk Island	Rep., Stat. Law Rev. Act, 1861.	
c. 46.	Common pleas of Lancaster	Rep., Stat. Law Rev. Act, 1871.	
c. 47.	Families of militiamen, &c.	Rep., 43 Geo. 3. c. 47. s. 1.	
c. 48.	Reduction of national debt	Rep., Stat. Law Rev. Act, 1861.	
c. 49.	Appropriation - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 51.	Customs - - - -		
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c. 55.	Duty on tobacco - - - -		
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c. 59.	Audit of public accounts - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 60.	Removal of convicts - - - -		
c. 61.	Observance of Lord's day by bakers in London, &c.	Rep., Stat. Law Rev. Act, 1871.	
c. 62.	Loans or exchequer bills - - - -		
c. 63.	New method of tanning - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 70.	Customs - - - -		
c. 71.	Supply of certain islands with corn	Rep., 6 & 7 Will. 4. c. 76. s. 32.	
c. 72.	Stamps - - - -		
c. 73.	Oaths at parliamentary elections	Virt. rep.	
c. 74.	Highways - - - -	Rep., 5 & 6 Will. 4. c. 50. s. 1.	
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c. 81.	Militia - - - -	Rep., 36 Geo. 3. c. 92. s. 1.	
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c. 101.	Crown lands (forfeited estates)	Private.	
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c. 14.	- National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 15.	- Importation - - - - -	Determined, 42 Geo. 3. c. 80. s. 1.	
c. 16.	- Militia, Derbyshire - - - - -	} Rep., Stat. Law Rev. Act, 1871.	
c. 17.	- Land tax - - - - -		
c. 18.	- Criminal court, Norfolk Island - - - - -	Rep., 4 & 5 Will. 4. c. 65. s. 1.	
c. 19.	- Manning of the navy - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 23.	- National debt - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 27.	- London militia - - - - -		
c. 28.	- Navy & marines - - - - -	Rep., 11 Geo. 4. & 1 Will. 4. c. 20. s. 1.	
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c. 30.	- Stamps - - - - -	} Rep., Stat. Law Rev. Act, 1861.	
c. 31.	- Smuggling, &c. - - - - -		
c. 32.	- National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 33.	- Militia pay - - - - -	} Rep., Stat. Law Rev. Act, 1871.	
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c. 38.	- Continuance of laws - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 60.	- Militia, Staffordshire - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 61.	- - - - -	Local.	
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c. 63.	- Stamps - - - - -	Rep., 30 & 31 Vict. c. 23. s. 3.	
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c. 66.	- National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
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c. 69.	- Crown lands (forfeited estates) - - - - -	Private.	
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c. 80.	- Shipping - - - - -	Rep., 42 Geo. 3. c. 80. s. 1.	
c. 81.	- Families of militia men - - - - -	Rep., 43 Geo. 3. c. 47. s. 1.	
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c. 99. -	Papists - - - - -		
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c. 112. -	Hair powder certificates, &c. - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 113. -	Sale of ale, &c. by unlicensed persons -	Rep. in part, Stat. Law Rev. Act, 1871.	383
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c. 117. -	Importation - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 118. -	Warehousing of wines, &c. - - -		
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c. 120. -	Appropriation - - - - -		
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c. 14. -	Additional taxes - - - - -		
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c. 17. -	Duties on horse dealers' licences -		
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c. 24.	Mutiny	Rep., Stat. Law Rev. Act, 1871.	
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c. 28.	Marine mutiny	Rep., Stat. Law Rev. Act, 1871.	
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c. 31.	Loans or exchequer bills		
c. 32.	Indemnity to governors of West India islands		
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c. 36.	Quartering of soldiers	Rep., Stat. Law Rev. Act, 1871.	
c. 37.	Courts, Newfoundland		
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c. 40.	Continuance of laws	Rep., Stat. Law Rev. Act, 1871.	
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c. 53.	Exportation	Virt. rep. in part.	
c. 54.	Game	Rep., Stat. Law Rev. Act, 1861.	
c. 55.	Free ports	Rep., 39 Geo. 3. c. 34. s. 1.	
c. 56.	Bounties	Rep., Stat. Law Rev. Act, 1861.	
c. 57.	Indemnity	Rep., Stat. Law Rev. Act, 1871.	
c. 58.	Trade with America	Rep., 34 & 35 Vict. c. 48.	
c. 59.	Controverted elections	Rep., Stat. Law Rev. Act, 1871.	
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c. 74.	National debt	Local.	
c. 75.	Metropolitan justices	Rep., Stat. Law Rev. Act, 1870.	
c. 76.	Merchandize in neutral ships	Rep., 42 Geo. 3. c. 76. s. 1.	
c. 77.	Mackarel fishery	Rep., 42 Geo. 3. c. 80. s. 1.	
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c. 80.	Stamps	Rep., Stat. Law Rev. Act, 1861.	
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c. 84.	Post horse duties	Rep., Stat. Law Rev. Act, 1871.	
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c. 86.	Sale of butter	-	425
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c. 90.	Stock transferable at bank of England	Rep., Stat. Law Rev. Act, 1871.	
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c. 97.	Crown lands (duchy of Lancaster)	Local.	
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c. 104.	Lottery	Local.	
c. 105.	National debt	Rep., Stat. Law Rev. Act, 1871.	
c. 106.	Drawback	Rep., Stat. Law Rev. Act, 1861.	
c. 107.	Longitude at sea	Rep., Stat. Law Rev. Act, 1871.	
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c. 120.	East India company - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 122.	National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 123.	Duties on wines, &c. - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 124.	Duties on dogs - - - - -	Rep., 43 Geo. 3. c. 161. s. 84.	
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c. 126.	Appropriation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 19.	Stamps - - - - -		
c. 20.	National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 21.	Cape of Good Hope trade - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 22.	Militia - - - - -	Rep., 42 Geo. 3. c. 90. s. 1.	
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c. 27.	Loans to Grenada & St. Vincent traders. - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 28.	Bank of England notes under 5 <i>l</i> . - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 31.	East India company - - - - -	Virt. rep.	
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c. 33.	Mutiny - - - - -		
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c. 37.	Trade with United States - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 38.	Militia pay - - - - -		
c. 39.	Manning of the army & navy - - - - -		
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c. 41.	Quartering of soldiers - - - - -	Local.	
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c. 57. -	National debt - - -	Rep., Stat. Law Rev. Act, 1870.	
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c. 59. -	Loan to emperor of Germany - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 63. -	Foreign ships - - -		
c. 64. -	Indemnity to governors of West India Islands. - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 65. -	Middlesex county rates - - -	Rep., 15 & 16 Vict. c. 81. s. 1.	
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c. 69. -	Taxes - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 72. -	Importation - - - - -		
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c. 74. -	East India company - - -		
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c. 94. -	Bounty on pilchards - - -	Rep., 31 & 32 Vict. c. 45. s. 71.	
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c. 97. -	Treaty with United States - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 98. -	Assise & making of bread, London - - -	Rep., 55 Geo. 3. c. xcix. s. 1.	
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c. 105. -	House duties - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 107. -	Duties on servants - - -		
c. 108. -	Duties on clocks & watches - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 109. -	Manning of the navy, &c. - - -	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 110. -	Customs - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 113. -	Lottery - - - - -		
c. 114. -	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 115. -	National debt - - - - -		
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c. 117. -	Trade with India - - -	Rep., 12 & 13 Vict. c. 29. s. 1.	
c. 118. -	Slave trade - - - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 124. -	Bankrupts - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 125. -	Exportation - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 126. -	Counterfeiting coin - - -	Rep.— in part, 2 & 3 Will. 4. c. 34. s. 1. residue, 24 & 25 Vict. c. 95. s. 1.	
c. 127. -	Meeting of Parliament - - -	Rep. in part, Stat. Law Rev. Act, 1871.	445
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c. 135. -	Legacies paid into Court of Chancery -	- - -	
c. 136. -	Stamps - - -	Rep., 33 & 34 Vict. c. 99.	
c. 137. -	Banks, Scotland - - -	- - -	
c. 138. -	Parliamentary elections, Scotland -	- - -	
c. 139. -	Provisional cavalry - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 140. -	Naval courts martial - - -	- - -	
c. 141. -	Postage - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 143. -	Inspection of weights and measures -	- - -	458
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c. 3. -	Importation - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 6. -	Army and navy - - -	Virt. rep. in part.	
c. 7. -	Negotiation of notes & bills - - -	- - -	
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c. 16. -	Taxation - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 17. -	Militia - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 26. -	Land tax - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 27. -	Defence of the realm - - -	- - -	
c. 28. -	Debts due to the United Provinces, &c. -	- - -	
c. 29. -	Exportation - - -	- - -	
c. 30. -	Bounty on British sail cloth exported -	- - -	

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c. 33. -	Quarantine, &c. - - -	Rep., 6 Geo. 4. c. 105.	
c. 34. -	Fortifications - - -	Local.	
c. 35. -	Continuance of laws - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 36. -	Habeas corpus suspension - - - }		
c. 37. -	National debt - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 38. -	Prize causes - - -	Rep., 27 & 28 Vict. c. 23. s. 1.	
c. 39. -	Importation & exportation - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 40. -	Inhabited house, &c. duties - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 41. -	Duties on servants, &c. - - -	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 42. -	Excise - - - }	Rep., Stat. Law Rev. Act, 1861.	
c. 43. -	Duties on salt - - - }		
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c. 45. -	Purchase of debts due to the governments of Switzerland, &c. - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 46. -	Manning of the navy - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 47. -	National debt - - -	Rep., Stat. Law Rev. Act, 1861.	
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c. 49. -	Estate at Halifax - - -	Local.	
c. 50. -	Aliens - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 51. -	Yeomanry cavalry - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 52. -	Trial of offences committed in counties of cities, &c. - - -	Rep. in part, 5 & 6 Will. 4. c. 76. s. 109.	501
c. 53. -	Armorial bearings - - - }	Rep., Stat. Law Rev. Act, 1861.	
c. 54. -	Excise - - - }		
c. 55. -	Militia - - -	Rep., 42 Geo. 3. c. 90. s. 1.	
c. 56. -	Stamps - - -	Rep., 33 & 34 Vict. c. 99.	
c. 57. -	Southern whale fisheries - - -	Rep., 6 Geo. 4. c. 105.	
c. 58. -	British fisheries - - -	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 59. -	Silver coin - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 60. -	Perpetuation of the land tax - - -	Rep. in part, 42 Geo. 3. c. 116. s. 1.	505
c. 61. -	Drawbacks, &c. - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 62. -	Assise of bread - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 63. -	Isle of Man trade - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 64. -	Militia pay - - - }		
c. 65. -	Diseased sheep, &c. - - -	Rep., 32 & 33 Vict. c. 70. s. 4.	
c. 66. -	Militia - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 67. -	Exportation - - -	Rep., 6 Geo. 4. c. 105.	
c. 68. -	Duties on cinnamon, &c. - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 69. -	Standard of gold plate - - -	- - -	506
c. 70. -	Militia allowances - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 71. -	Copyright - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 72. -	Indemnity to governors of West India Islands. - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 73. -	Packing, &c. of butter - - -	Rep., 7 & 8 Vict. c. 48.	
c. 74. -	Regiment of Cornwall & Devon miners - - -	Rep., 42 Geo. 3. c. 72. s. 1.	
c. 75. -	Lottery - - - }		
c. 76. -	Customs, &c. - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 77. -	Aliens - - - }		
c. 78. -	Newspaper publication - - -	Rep., 6 & 7 Will. 4. c. 76. s. 32.	
c. 79. -	Residence in France during the war - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 80. -	Duties on servants - - -	Rep., 43 Geo. 3. c. 161 s. 84.	
c. 81. -	Taxation - - -	Rep., Stat. Law Rev. Act, 1861.	
cc. 82-84. -	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 85. -	Stamps - - -	Rep., 33 & 34 Vict. c. 99.	
c. 86. -	Customs - - -	Rep., 6 Geo. 4. c. 105.	
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c. 88. -	Slave trade - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 90. -	Appropriation - - -	Rep., Stat. Law Rev. Act, 1871.	



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c. 91.	Exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 92.	Scotch distilleries - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 93.	Duty on taxed carts - - -	Rep., 43 Geo. 3. c. 161. s. 84.	
c. 94.	Provisional cavalry - - -	Rep., Stat. Law Rev. Act, 1871.	
39 Geo. 3.			
c. 1.	Annuity to lord Nelson, &c. - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 2.	Duties upon malt, &c. - - -		
c. 3.	Duties on pensions, &c. - - -		
c. 4.	Army & navy - - -		
c. 5.	Militia - - -		
c. 6.	Land tax redemption, &c. - - -	Rep., 42 Geo. 3. c. 116. s. 1.	512
c. 7.	National debt - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 8.	Armorial bearings - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 9.	Negotiation of notes & bills - - -		
c. 10.	Issue of bank notes, Scotland - - -		
c. 11.	Loans to Grenada & St. Vincent traders - - -		
c. 12.	Continuance of acts - - -		
c. 13.	Duties on income - - -	Rep., Stat. Law Rev. Act, 1861.	513
c. 14.	Supplementary militia - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 15.	Habeas corpus suspension - - -		
c. 16.	Courts, Newfoundland - - -	Rep., 34 & 35 Vict. c. 48.	
c. 17.	Indemnity - - -		
c. 18.	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 19.	Marine mutiny - - -		
c. 20.	Mutiny - - -		
c. 21.	Land tax redemption - - -	Rep., 42 Geo. 3. c. 116. s. 1.	514
c. 22.	Duties on income - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 23.	Provisional cavalry - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 24.	Negotiation of notes & bills - - -		
c. 25.	Issue of bank notes, Scotland - - -		
c. 26.	Bounty on exportation - - -		
c. 27.	Importation - - -		
c. 28.	Bounty on certain linens exported - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 29.	Annuities to princes Edward & Ernest - - -		
c. 30.	Annuity to the princesses - - -		
c. 31.	Duties on distilleries - - -	Rep. in part, Stat. Law Rev. Act, 1871.	512
c. 32.	Shipping - - -		
c. 33.	Loans or exchequer bills - - -		
c. 34.	Close time for partridges - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 35.	Militia - - -		
c. 36.	Quartering of soldiers - - -	Rep., Stat. Law Rev. Act, 1871.	513
c. 37.	Offences committed at sea - - -		
c. 38.	Continuance of acts - - -	Rep., Stat. Law Rev. Act, 1861.	514
c. 39.	Stamps - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 40.	Land tax redemption - - -	Rep., 42 Geo. 3. c. 116. s. 1.	513
c. 41.	Loans or exchequer bills - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 42.	Duties on income - - -	Rep., Stat. Law Rev. Act, 1861.	514
c. 43.	Land tax redemption - - -	Rep., 42 Geo. 3. c. 116. s. 1.	
c. 44.	Habeas corpus suspension - - -	Rep., Stat. Law Rev. Act, 1871.	513
c. 45.	Punishment of burning in the hand - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 46.	Lodgings of justices of assise - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 47.	Negotiation of notes & bills - - -		
c. 48.	Issue of bank notes, Scotland - - -		
c. 49.	Bail in criminal cases, Scotland - - -	- - - - -	514
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c. 51.	Transportation, &c. - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 56.	Advances to colliers, Scotland	Rep. in part, Stat. Law Rev. Act, 1871.	520
c. 57.	Indemnity to governors of West India Islands	Rep., Stat. Law Rev. Act, 1871.	
c. 58.	Annuity to sir J. Marriott	- - - - -	
c. 59.	Warehousing of goods	Rep., 6 Geo. 4. c. 105.	
c. 60.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 61.	Customs	- - - - -	
c. 62.	Militia	Rep., Stat. Law Rev. Act, 1871.	
c. 63.	Duties on sugar, &c.	- - - - -	
c. 64.	National debt	Rep., Stat. Law Rev. Act, 1861.	
c. 65.	Bounty on pilchards	- - - - -	
c. 66.	Sheriff deputes, &c., Scotland	- - - - -	
c. 67.	Court of exchequer	Rep., Stat. Law Rev. Act, 1871.	
cc. 68-71.	Loans or exchequer bills	- - - - -	
c. 72.	Duties on income	Rep., Stat. Law Rev. Act, 1861.	
c. 73.	Exemption from duty of legacies of books, &c. to public bodies	Rep. in part, Stat. Law Rev. Act, 1871.	521
c. 74.	Post horse duties	Rep., Stat. Law Rev. Act, 1871.	
c. 75.	Importation	Rep., Stat. Law Rev. Act, 1861.	
c. 76.	Postage	Rep., 7 Will. 4. & 1 Vict. c. 32. s. 1.	
c. 77.	Salt duties	- - - - -	
c. 78.	Duties on distilleries, Scotland	Rep., Stat. Law Rev. Act, 1861.	
c. 79.	Suppression of unlawful societies	Rep. in part,— 32 & 33 Vict. c. 24. s. 1. Stat. Law Rev. Act, 1871.	522
c. 80.	Slave trade	Rep., Stat. Law Rev. Act, 1861.	
c. 81.	Unlawful combinations of workmen	Rep., 39 & 40 Geo. 3. c. 106. s. 1.	
c. 82.	Militia of city of London	Rep., 1 Geo. 4. c. 100. s. 1.	
c. 83.	Auditors of land revenue	Rep., Stat. Law Rev. Act, 1861.	
c. 84.	Purchase of a certain duty on coals	Private.	
c. 85.	Embezzlement	Rep., Stat. Law Rev. Act, 1861.	
c. 86.	Spirit licences	Rep., 9 Geo. 4. c. 61. s. 35.	
c. 87.	Importation	- - - - -	
c. 88.	Importation & exportation	Rep., Stat. Law Rev. Act, 1871.	
c. 89.	East India company	Rep., 58 Geo. 3. c. 83. s. 1.	
c. 90.	Militia	Rep., 42 Geo. 3. c. 90. s. 1.	
c. 91.	Lottery	Rep., Stat. Law Rev. Act, 1871.	
c. 92.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 93.	Forfeiture upon attainder of treason	Rep., Stat. Law Rev. Act, 1871.	
c. 94.	Master of the Mint	Rep., 33 & 34 Vict. c. 10. s. 20.	
c. 95.	Importation	- - - - -	
c. 96.	Exportation	- - - - -	
c. 97.	Militia pay	Rep., Stat. Law Rev. Act, 1871.	
c. 98.	Importation	- - - - -	
c. 99.	Trade to the Levant seas	Rep., Stat. Law Rev. Act, 1861.	
c. 100.	British society for extending the fisheries, &c.	Rep. in part, 31 & 32 Vict. c. 45. s. 71. Residue personal.	
c. 101.	Fisheries in the Greenland seas, &c.	- - - - -	
c. 102.	Newfoundland fisheries	- - - - -	
c. 103.	Militia allowances	Rep., Stat. Law Rev. Act, 1871.	
c. 104.	Augmentation of the 60th regiment	Rep., Stat. Law Rev. Act, 1861.	
c. 105.	Manufacture of Maidstone Geneva	Rep., Stat. Law Rev. Act, 1871.	
c. 106.	Militia	Rep., 42 Geo. 3. c. 90. s. 1.	
c. 107.	Stamps	Rep., 33 & 34 Vict. c. 99.	
c. 108.	Land tax redemption	Rep., 42 Geo. 3. c. 116. s. 1.	
c. 109.	Forces of East India company	Rep., Stat. Law Rev. Act, 1871.	
c. 110.	Retiring pensions of judges	Rep. in part, Stat. Law Rev. Act, 1871.	528
c. 111.	Importation	Rep., 42 Geo. 3. c. 7.	

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c. 113.	Appointment of judges in vacation - - }		
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39 & 40 Geo. 3.			
c. 1.	Militia - - - - -	Rep., 42 Geo. 3. c. 90. s. 1.	
c. 2.	Duties upon malt, &c. - - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 3.	Duty on pensions, &c. - - - - }		
c. 4.	Loans or exchequer bills - - - - }		
c. 5.	Loans for relief of certain merchants - - }		
c. 6.	Exchequer bills - - - - }		
c. 7.	Distillation from wheat, &c. - - - - }		
c. 8.	Duties on spirits - - - - }		
c. 9.	Continuance of acts - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 10.	Land tax redemption - - - - -		
c. 11.	Appropriation of certain duties - - - - }		
c. 12.	Duties and drawbacks - - - - }	Rep., Stat. Law Rev. Act, 1871.	
c. 13.	Loans to Grenada & St. Vincent traders - - }		
c. 14.	Meeting of Parliament - - - - -		530
c. 15.	Militia - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 16.	Army & navy - - - - -		
c. 17.	Continuance of acts - - - - -		
c. 18.	Sale of bread - - - - -		
c. 19.	Indemnity - - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 20.	Habeas corpus suspension - - - - }	Rep. Stat. Law. Rev. Act, 1871.	
c. 21.	Distillation from wheat, &c. - - - - }		
c. 22.	National debt - - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 23.	Excise - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 24.	Marine mutiny - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 25.	Use of wheat in making starch - - - - }		
c. 26.	National debt - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 27.	Mutiny - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 28.	Privileges of Bank of England - - - - }	Rep. in part, Stat. Law Rev. Act, 1871.	531
c. 29.	Bounties on importation - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 30.	Land tax redemption - - - - -	Rep., 42 Geo. 3. c. 116. s. 1.	
c. 31.	Duty on pensions, &c. - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 32.	Duties on hair powder, &c. - - - - }	Rep., Stat. Law Rev. Act, 1861.	
c. 33.	Exchequer bills - - - - -		
c. 34.	Neutral ships - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 35.	Bounty on importation - - - - -		
c. 36.	Transfer of stock, &c. in suits without making bank of England, &c. parties.	Rep. in part, Stat. Law Rev. Act, 1871.	539
c. 37.	Militia pay - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 38.	Saltpetre - - - - -		
c. 39.	Quartering of soldiers - - - - }		
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c. 42.	Bills of exchange, &c. payable on Good Friday.		544
c. 43.	Annuity to duke of Richmond - - - - -	Private.	
c. 44.	Militia allowances - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 45.	Duties on glass, &c. - - - - }		
c. 46.	Small debts, Scotland - - - - -	Rep., 6 Geo. 4. c. 48. s. 1.	
c. 47.	Hackney coaches, &c., Metropolis - - - - }	Rep., 1 & 2 Will. 4. c. 22. s. 1.	
c. 48.	Duties on sugar, &c. - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 49.	Duties on income - - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 50.	Night poaching - - - - -	Rep., 57 Geo. 3. c. 90. s. 5.	
c. 51.	Customs - - - - -	Rep., 6 Geo. 4. c. 105.	
c. 52.	Lottery - - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 53.	Bounty on rye - - - - -		
c. 54.	Public accountants - - - - -	Rep. in part,— 29 & 30 Vict. c. 39. s. 46. Stat. Law Rev. Act, 1871.	545

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c. 56.	Entailed estates - - -	Rep., 7 Geo. 4. c. 45. s. 1.	
c. 57.	Leith harbour - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 58.	Importation and exportation - - -		
c. 59.	Customs - - -	Rep., 6 Geo. 4. c. 105.	
c. 60.	Customs - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 61.	Duties on wash made from sugar - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 62.	Use of sugar in brewing - - -		
c. 63.	Duties on kid skins - - -		
c. 64.	Neutral ships - - -		
c. 65.	Neutral ships - - -	Rep., 42 Geo. 3. c. 80. s. 1.	
c. 66.	Use of horse hides, &c. - - -	Rep., 5 Geo. 4. c. 57.	
c. 67.	Union of Great Britain and Ireland - - -	Rep. in part,— 21 & 22 Vict. c. 26. Stat. Law Rev. Act, 1871.	549
c. 68.	Land tax - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 69.	Repeal of certain duties - - -		
c. 70.	Paper duty - - -		
c. 71.	Sale of bread - - -		
c. 72.	Cancelling duplicate probates, &c. - - -	Rep. in part, 33 & 34 Vict. c. 99.	563
c. 73.	Duties on distillation - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 74.	Price and assise of bread - - -		
c. 75.	Militia allowances - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 76.	Indemnity to governors, &c. of West India Islands - - -		
c. 77.	Regulation of colliers - - -		
c. 78.	Crown lands (forfeited estates) - - -	Private.	
c. 79.	Government and courts of justice in India.	Rep. in part,— 53 Geo. 3. c. 155. s. 89. 4 Geo. 4. c. 71. s. 14. 9 Geo. 4. c. 74. s. 126.	566
c. 80.	Quarantine - - -	Rep., 45 Geo. 3. c. 10. s. 9.	
c. 81.	Frauds, &c. in the hop trade - - -	Rep. in part, Stat. Law Rev. Act, 1871.	574
c. 82.	Duties on foreign hops - - -	Virt. rep. in part.	
c. 83.	Importation - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 84.	Stamps - - -	Rep., 6 Geo. 4. c. 105.	
c. 85.	British fisheries - - -	Rep., 33 & 34 Vict. c. 99.	
c. 86.	Crown lands (New Forest) - - -	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 87.	Depredations on the Thames - - -	Local.	
c. 88.	Depredations on the Thames - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 89.	Private property of the Sovereign and Queen consort.	Rep. in part, Stat. Law Rev. Act, 1871.	574
c. 89.	Embezzlement of public stores - - -	- - - - -	581
c. 90.	Disputes between masters and workmen - - -	Rep., 5 Geo. 4. c. 96. s. 1.	
c. 91.	Exportation - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 93.	Trials for treason in certain cases - - -	- - - - -	597
c. 94.	Custody of criminal lunatics - - -	Rep. in part, 1 & 2 Vict. c. 14. s. 1.	598
c. 95.	Indemnity to printers of public documents against penalties - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 96.	Duties on income - - -		
c. 97.	London flour company - - -	Private.	
c. 98.	Restraint on directions by will, &c. for accumulation of rents, &c. - - -	Rep. in part, 11 & 12 Vict. c. 36. s. 41.	600
c. 99.	Regulation of pawnbrokers - - -	Rep. in part, Stat. Law Rev. Act, 1871.	601
c. 100.	Army and navy - - -	Rep., Stat. Law Rev. Act, 1871.	
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c. 106. -	Unlawful combinations of workmen -	Rep., 5 Geo. 4. c. 96. s. 1.	
c. 107. -	Importation - - - -	Rep., 31 & 32 Vict. c. 45. s. 71.	
c. 108. -	Indemnity to governor of Surinam -	Rep., Stat. Law Rev. Act, 1871.	
c. 109. -	Duplicates of lost receipts of cashiers of Bank of England.	Rep. in part, Stat. Law Rev. Act, 1871.	
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c. 1. -	Exportation - - - -	Rep., Stat. Law Rev. Act, 1871.	619
c. 2. -	Exportation - - - -	Rep., 6 Geo. 4. c. 105.	
c. 3. -	Use of corn in distillation of spirits, &c. - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 4. -	Duties on hops - - - -		
c. 5. -	Continuance of laws - - - -		
c. 6. -	Malting - - - -		
c. 7. -	Malt duties continuance - - - -		
c. 8. -	Duty on pensions, &c. - - - -		
c. 9. -	Poor - - - -		
c. 10. -	Bounties on importation - - - -		
c. 11. -	Importation - - - -		
c. 12. -	Poor - - - -		
c. 13. -	Buildings for houses of Parliament -	Local.	
c. 14. -	Appropriation - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 15. -	Census - - - -		
c. 16. -	Making of bread, &c. - - - -	Rep., 41 Geo. 3. (U.K.) c. 2. s. 1.	
c. 17. -	Sale of bread - - - -	Rep., 42 Geo. 3. c. 4.	
c. 18. -	Importation - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 19. -	Amendment of c. 10. of this session -		
c. 20. -	Continuance of laws - - - -		
c. 21. -	Use of salt duty free, &c. - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 22. -	Examination of accounts of expenditure in the West Indies - - - -		
c. 23. -	Free ports - - - -		
c. 24. -	Aliens - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 25. -	Importation - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 26. -	Turnpike acts continuance - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 27. -	Loans to Grenada & St. Vincent traders - - - -		
c. 28. -	Land & redemption - - - -		
c. 29. -	Army & navy - - - -	Rep., Stat. Law Rev. Act, 1871.	
c. 30. -	Quarantine, &c. - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 31. -	Indemnity - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 32. -	Habeas corpus suspension - - - -	Rep., Stat. Law Rev. Act, 1871.	



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**THE STATUTES**  
**(REVISED).**

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THE STATUTES—REVISED EDITION.

11 GEORGE III. A.D. 1770-1.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TENTH DAY OF MAY,  
A.D. 1768,  
IN THE EIGHTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
THIRTEENTH DAY OF NOVEMBER, A.D. 1770,  
BEING THE FOURTH SESSION OF THE THIRTEENTH PARLIAMENT OF  
GREAT BRITAIN.

CHAPTER XXXI.

AN ACT for the Encouragement of the White Herring Fishery.

**W**HEREAS the carrying on and improvement of the British White Herring Fisheries are of great importance to these kingdoms, by increasing the trade and navigation thereof, and being a nursery for seamen, and otherwise a means of employing and providing for great numbers of industrious poor, provided that reasonable encouragement be given to such persons as are willing to carry on the said fisheries : . . . . .

Preamble.

\* \* \* \* \*

[XI.] AND be it further enacted by the authority aforesaid, that all and every person or persons employed in the said fisheries may fish in any part of the British Seas, and shall have and exercise the free use of all ports, harbours, shores, and forelands in Great Britain, or the islands belonging to the crown of Great Britain, below the highest high-water mark, and for the space of one hundred yards on any waste or uncultivated land beyond such mark, within the land, for landing their nets, casks, and other materials, utensils, and stores, and for erecting tents, huts, and stages, and for the landing, pickling, curing, and reloading their fish, and in drying their nets, without paying any foreland or other dues, or any other sum or sums of money, or other consideration whatsoever, for such liberty (except as herein-after is excepted), any law, statute, or custom to the contrary notwithstanding : And if any person or persons shall presume to demand or receive any dues, sums of money, or other consideration whatsoever, for the use of any such ports, harbours, shores, or forelands, within the limits aforesaid, or shall obstruct the fishermen, or other persons employed in the taking or curing of fish, or drying their nets, in the use of the same, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and levied in manner herein-after directed.

Persons employed in the said fisheries to have the free use of all ports, harbours, &c. in Great Britain and the islands thereto belonging.

Offenders to forfeit 100*l*.

Saving as to  
dues for artifi-  
cial harbours  
or piers.

[XII.] PROVIDED always, that nothing in this Act contained shall extend to exempt the vessels or boats employed in the said fisheries from the payment of such harbour or pier duties as are, and by the law ought to be, demanded for ships, vessels, or boats, in piers or harbours which are built or artificially made, but that such harbour or pier dues shall be paid in like manner as the same were liable to be paid before the passing of this Act.

Penalty to be  
determined  
by bill or  
information.

[XIII.] AND be it further enacted by the authority aforesaid, that the penalty herein-before mentioned shall and may be prosecuted and determined by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the Court of Exchequer in Scotland respectively; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of such penalty shall be to the use of his Majesty, and the other moiety to such person or persons as will sue for and prosecute the same.

\* \* \* \* \*

## CHAPTER LII.

AN ACT for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man.

Most Gracious Sovereign,

Preamble.

WHEREAS the Isle of Man, from its situation in the middle of Saint George's Channel, affords a convenient refuge for ships, in case of sudden and cross gales of wind, which frequently happen in those narrow seas, and therefore the preservation of your Majesty's ships, and the interest of trade and navigation in general, require that the several sea ports and harbours thereof, now vested in your Majesty, should be maintained and supported in proper condition and repair: . . . . .

\* \* \* \* \*

Bounties  
payable by  
7 Geo. 3.  
[c. 45.]

[IV.] AND whereas by the said last-recited Act, made in the seventh year of the reign of his present Majesty, [a] the several and respective bounties or sums of money therein mentioned were directed to be paid for the boats employed in the herring fishery upon the coasts of the said island, and to the manufacturers of linen cloth there, by his Majesty's receiver-general in the said Isle of Man, or his deputy, out of the duties of ten shillings payable to his Majesty in the said isle for and upon every boat or other vessel employed in the said herring fishery, and out of the money arising to his Majesty from the several bay fisheries of the said island: And whereas scarcely more than one-tenth part of the fishermen of the said island have complied with the terms under which the said bounties were granted, nor have they produced any advantage to the manufactures of the said island, so that the same have proved of no effect: Be it therefore enacted by the authority aforesaid, that from and after the passing of this present Act all the said several and respective bounties shall wholly cease, determine, and be no longer paid to any of the persons in the said last-recited Act mentioned, (save and except the several

to determine,  
except those  
allowed to the  
admiral, &c. of  
the herring  
fishery and  
water bailiff,  
&c.

[\*i.e., 7 Geo. 3. c. 45., which is rep., 6 Geo. 4. c. 105.]

and respective bounties or sums of money thereby directed to be allowed and paid to the admiral and to the vice-admiral of the said herring fishery, for each season, and to the water bailiff of the said island, or his deputy, for their superintendence and inspection thereof); and that the said duties of ten shillings payable to his Majesty in the said isle for and upon every boat or other vessel employed in the said herring fishery, and also all the money arising to his Majesty from the several bay fisheries of the said island, after allowance made of the said last-mentioned bounties, and of the usual and necessary charges attending the levying and collecting the said monies, shall be applied by his Majesty's receiver-general in the Isle of Man, or his deputy, to the repair and support of the said harbours, according to the true intent and meaning of this Act, and to no other use or purpose; any thing in the said last-recited Act to the contrary notwithstanding.

How the monies arising from the bay fisheries, &c. are to be applied.

[V.] AND for the better collecting and disposing the several sums of money and duties hereby made payable, and regulating the repairs and support of the said harbours, be it enacted by the authority aforesaid, that the persons herein-after named for that purpose shall be, and are hereby nominated and appointed commissioners, and authorised, from time to time, to put this Act in execution; that is to say, his Majesty's receiver-general in the Isle of Man, his deputy, the collector, comptroller, and searcher of the port of Douglas, the deputy, water bailiffs, of each of the other ports of Derby, Haven, Peel, and Ramsay respectively, for the time being, together with four creditable and substantial merchants; that is to say, one for and belonging to each of the four principal ports of the said isle before mentioned, to be elected by the officers aforesaid, or the major part of them, which said merchants, so elected, shall also be commissioners for the purposes aforesaid, for and during the term of three years, to be computed from the respective times of their election; and on the expiration of the said term, or on the death or resignation of any of them, the rest of the said commissioners, or the major part of them, shall, from time to time, upon the first Monday in the month of October in each year, elect another fit merchant or merchants, of or belonging to the said ports respectively, in his or their stead, to continue in like manner in such office or trust, and to have like power and authority as the person in whose stead he was so elected, for and during the term of three years respectively from such election: Which said commissioners, or the major part of them, (of whom his Majesty's receiver-general in the Isle of Man, or his deputy for the time being, shall always be one,) shall have full power and authority, and are hereby empowered and authorised to make such bye-laws, orders, and regulations, from time to time, to bind all ships and vessels arriving at or coming into any of the harbours in the said isle, and all masters or other persons having the rule, management, or command of such ships or vessels, and to annex such reasonable penalties as the said commissioners, in their discretion, shall think fit, so as such bye-laws, orders, and regulations be made agreeable to the true intent and meaning of this Act, and be for the better putting in execution and effecting the purposes thereof; and also for the better regulating ships or vessels, with respect to their lying, mooring, or ballasting, in the said harbours, and for preventing the throwing any sorts of rubbish therein, or doing any annoyance to the same, and so as they do not contain any thing repugnant to

Commissioners how to be elected.

Commissioners to make bye-laws and regulations.

Commissioners  
to contract  
with workmen  
for repairing  
the harbours.

the laws of this realm: And it shall and may be lawful for the said commissioners, or the major part of them, (of whom his Majesty's receiver-general in the Isle of Man, or his deputy for the time being, shall always be one,) from time to time, to contract and agree with any workmen, artificers, masons, or other persons, bona fide, for the making and doing all or any part of the works necessary for the maintaining, repairing, cleansing, enlarging, or improving all or any of the said harbours, or for timber, stones, and other materials necessary for the purposes of this Act, or for making any additional works, or any landmarks, sea marks, or other directions they shall judge to be requisite for the greater safety of ships coming into any of the said harbours.

\* \* \* \* \*

All sums to  
be applied  
towards re-  
pairing the  
harbours.

[VIII.] AND be it further enacted by the authority aforesaid, that all and every sum and sums of money which shall be raised, levied, collected, and received by the duties aforesaid, and for any the forfeitures or penalties to be recovered by virtue of this Act, other than so much thereof as shall be laid out and allowed to the collector or other necessary officer for the collecting and managing the said duty, and for the necessary charges of recovering the same, shall be, by the said commissioners, or the major part of them, of whom his Majesty's receiver-general in the Isle of Man, or his deputy for the time being, shall always be one, applied and disposed of to and for the repairing, securing, preserving, and maintaining the said harbours, according to the true intent and meaning of this Act, and to no other use, intent, or purpose whatsoever, save and except as herein-after is excepted; . . . . .

\* \* \* \* \*

On Oct. 10,  
annually, re-  
ceiver-general  
to present to  
the commis-  
sioners a full  
account of all  
receipts and  
disbursements.

[XI.] AND be it further enacted by the authority aforesaid, that on the tenth day of October in every year the said receiver-general shall draw up, or cause to be drawn up, and shall present to the said commissioners, a full account of all the receipts and disbursements of and for each particular port and harbour in the said island, and also a particular account of the true state and condition of the same respectively, and of the several piers and works thereto belonging; which said account the said commissioners, or three of them at the least, shall sign and transmit, with such observations thereon as they shall judge to be necessary, to the commissioners of the Treasury, or the high treasurer for the time being; and it shall and may be lawful for such receiver-general, for his trouble and expence in the execution of this Act, and for providing a person to inspect and superintend the said ports and harbours, to charge in his accounts, and the said receiver-general shall be allowed thereupon, any sum not exceeding the sum of thirty pounds in any one year, out of the several sums so levied and collected as aforesaid.

Receiver-  
general to  
be allowed  
annually not  
exceeding 30*l*.

All officers,  
&c. to take an  
oath previous  
to their inter-  
meddling with  
their offices.

[XII.] AND be it further enacted by the authority aforesaid, that the aforesaid commissioners, the said receiver-general, and all other officers whatsoever, employed by virtue of this Act in collecting, receiving, or disbursing any sum or sums of money for the repairing or maintaining the said harbours, or in superintending or surveying the same, shall respectively take an oath previous to their intermeddling with any such office or employment, for the due and faithful execution and discharge thereof, according to the powers vested in them by virtue of this Act, before any one or more of the deemsters,

or civil magistrates of the said island, who is and are hereby authorised and required to administer the same without fee or reward.

\* \* \* \* \*  
[XIV.] AND be it further enacted by the authority aforesaid, that all actions, suits, or informations which shall or may be brought or commenced for the recovery of any forfeitures and penalties incurred by virtue of this present Act, or for any other matter or thing relating to the execution thereof, shall be brought, prosecuted, tried, heard, and determined in the court of his Majesty's water bailiff of the said island, according to the accustomed course of that court; and in case either of the parties conceive themselves to be aggrieved, it shall and may be lawful for such person to appeal in the usual manner to the Court of Chancery of the said island.

All actions commenced for recovery of penalties to be tried by the water bailiff.

### CHAPTER LIII.

AN ACT for widening the Highways in that part of Great Britain called Scotland. [a]

WHEREAS by an Act of the Parliament of Scotland, passed in the year one thousand six hundred and sixty-nine, and intituled "Act for repairing highways and bridges," it is enacted, that the said highways shall be twenty feet of measure broad at least, or broader, if the same have been so before: And whereas by the law of Scotland, the making, repairing, and keeping in repair, the highways, roads, and bridges within that part of the United Kingdom are put under the direction and management of the justices of peace, and commissioners of supply, within the several shires and stewartries respectively, (except in such cases where turnpike roads have, under the authority of special Acts of Parliament, been made, and tolls granted therefore, and the same by such Acts put under the management and direction of certain justices or commissioners by these Acts named and appointed: And whereas many inconveniencies and frequent obstructions to the free passage of the publick and most frequented highways and roads have been occasioned by the narrowness of these highways and roads: And whereas it would be of great publick benefit to that part of the United Kingdom that the justices of peace, and commissioners of supply, in each shire and stewartry respectively, and the trustees and commissioners of turnpike roads established by special Acts of Parliament, were impowered to widen and extend the highways and roads under their respective managements, wherever they saw necessary occasion for so doing: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the justices of peace, and commissioners of supply, for the respective shires and stewartries, and the commissioners and trustees of turnpike roads established by special Acts of Parliament, within that part of Great Britain called Scotland, shall have power, and they are hereby

Preamble.  
  
Justices, and commissioners of supply, for the shires and stewartries, to make,

[a Rep., so far as relates to turnpike roads, 1 & 2 Will. 4. c. 43. s. 1.]

repair, clear,  
widen, and  
extend the  
highways  
under their  
direction ;  
which are to  
be 20 feet in  
width.

authorised and impowered to make, repair, clear, widen, and extend, and to keep in good repair, after being so cleared, widened, and extended, the several highways and roads under their management and direction respectively, so as the same shall be in all places full twenty feet width of clear passable road, exclusive of the bank and ditch on each side of such highway or road respectively.

Justices, &c.  
to order the  
roads to be  
farther  
enlarged.

[II.] AND whereas it will be of great publick utility that the said highways and roads were, in particular places, still further widened and enlarged : Be it also enacted, that the said justices of peace, and commissioners of supply, or the said trustees or commissioners for turnpike roads established by special Acts of Parliament, or the majority of them, in a general meeting for that purpose assembled, may order and direct the highways and roads aforesaid to be still farther widened and enlarged, in such places, and for such distances, as they judge to be for the publick benefit.

Breadth of the  
roads to be  
widened and  
enlarged not to  
exceed 30 feet.

[III.] PROVIDED always, and be it further enacted, that the breadth of the highways and roads so to be widened and enlarged shall not, at any place, exceed thirty feet, exclusive of the bank and ditch on each side, and that full satisfaction, to be ascertained in manner herein-after provided for, shall be made to the owners and lessees of the lands, for so much ground as shall be taken for the widening and enlargement of the said highways and roads, over and above and in addition to the present breadth, or the twenty feet width of ground allowed by the laws now in being for the breadth of every highway and road.

Instead of the  
meeting ap-  
pointed by Act  
5 Geo. 1.  
[c. 30.]

two general  
meetings to be  
held annually.

Conveners of  
shires, &c. to  
give previous  
notice of such  
meetings. نصيب

[IV.] AND whereas it would greatly facilitate the making and repairing of the highways and roads within that part of Great Britain called Scotland, that the justices of peace, and commissioners of supply, within the respective shires and stewartries, met more frequently, and at the most convenient times and seasons : Be it therefore further enacted by the authbrity aforesaid, that hereafter, instead of the meeting appointed to be held by an Act made in the fifth year of the reign of his late Majesty King George the First, intituled "An Act for amending and making more effectual the laws for " repairing the highways, bridges, and ferries in that part of Great Britain " called Scotland," there shall be held two general meetings in every year of the said justices of peace, and commissioners of supply, for the special purpose and business of the highways, roads, bridges, and ferries, within their respective bounds, and, by the laws in being for the time, under their direction and management, the first upon the same day and at the like place that the commissioners of supply of such shires and stewartries respectively are and shall be directed by the Land-tax Act of the year then current, to assemble for the purposes of assessing the land-tax, and of chusing a convener, collector, and clerk, and the second of the said general meetings upon the same day and the like place that the freeholders of the said shires and stewartries respectively assembled at their Michaelmas head court annually ; and that the conveners of the shires and stewartries respectively shall, and they are hereby required to give the same previous notices for these two general meetings of the justices and commissioners of supply as are given for ordinary general meetings of commissioners of supply within their respective bounds.

[V.] AND be it further enacted by the authority aforesaid, that it shall be in the power of any two or more justices of the peace, or commissioners of supply, within any shire or stewartry in that part of Great Britain called Scotland, to examine and survey, or cause to be examined and surveyed, the highways and roads, or any part or parts of them, within such shires and stewartries respectively, and to order and direct that the said highways and roads shall every where be made twenty feet wide of clear passable road, exclusive of the banks and ditches upon each side of the same; and in such cases where it shall appear to the said justices and commissioners to be for the publick benefit that any part or parts of the said highways and roads should be further widened and extended, or that fences of any kind whatever should be removed, for the purpose of widening the said roads, that they shall state their reasons in writing, and report the same to the next or any following general meeting of the justices and commissioners for the shire or stewartry; and that if the said justices and commissioners assembled at such general meeting, or the majority of them, upon advising the said report, and after hearing all parties having an interest, shall be of opinion that it will be of publick benefit so to widen and extend the said highways and roads, or to remove fences, that the same shall be accordingly done, satisfaction being always previously made in manner as herein after directed to the owners and lessees of land for so much ground as shall be taken to widen and enlarge the said highways and roads beyond and over and above twenty feet in width on the present breadth of the road, if more than twenty feet wide, and for the loss or damage the owner or owners of the land may sustain by removing fences where such are to be removed.

Justices, &c.  
to examine  
and survey the  
highways, &c.

[VI.] PROVIDED always, that it shall be lawful to and in the power of any heritor or occupier of lands through which the said highways and roads go, who may apprehend wrong to have been done by the said two or more justices and commissioners in surveying, examining, ordering, and directing as aforesaid, to appeal against the same to the first or next following general meeting of the said justices and commissioners; and that whatever they, or the majority of them, shall determine upon such appeal shall be final and conclusive.

Heritors or  
occupiers of  
lands may  
appeal to  
general meet-  
ings,

which shall be  
final.

[VII.] AND be it further enacted by the authority aforesaid, that in all cases where the general meetings aforesaid, or the meetings of trustees or commissioners for turnpike roads established by Acts of Parliament, are of opinion that it will be for the publick benefit to have the highways and roads, or any particular parts of them, farther widened and enlarged beyond the breadth of twenty feet, or the present breadth, if broader, or to have fences of any kind removed or altered in widening of the said roads, and that no agreement shall have been made with the owner or owners of the land where the roads are to be widened, or whose fences are to be altered or removed, application shall be made to the sheriff or steward of the shire or stewartry within which such highways and roads lie, to summon a jury in order to value the ground necessary to be taken and used for so widening and enlarging the highways and roads aforesaid, and the loss or damage ensuing from the altering or removing of fences; and the said sheriffs and stewards, and the sheriffs and stewards depute, and their substitutes, are hereby impowered and required, upon such application, to order intimation thereof

In case of  
general meet-  
ings being of  
opinion that  
the roads  
should be fur-  
ther widened,  
&c.

Application to  
be made to  
the sheriff to  
summon a  
jury to value  
the ground, &c.

Intimation to  
be made to  
owners, &c.  
Jury to be im-  
pannelled,

who are to  
ascertain  
damages to  
owners, and  
adjudge pay-  
ment.

30 days notice  
to be given  
to owners of  
grounds and  
fences to be  
valued or  
altered.

Commissioners  
of supply to  
lay additional  
assessment for  
payment of  
sums adjudged  
by the sheriff  
the preceding  
year.

to be made to the owner and owners, and immediate occupier or occupiers of the ground proposed to be so taken in and used, and afterwards to issue a summons in the usual manner for calling together and impannelling a jury, to consist of at least seven and not exceeding fifteen persons in number, to examine into, and, after such examination, to report upon their oaths to the sheriff or steward the value of the ground so to be taken and used for the widening and enlargement of the highways and roads over and above twenty feet in breadth, and the loss or damage that will arise to the owner or owners of the land by altering or removing of fences where that is proposed to be done, and thereupon to order and adjudge payment of the value and amount of the loss and damage so ascertained to the owner or owners of the grounds, with such costs as he or they may have been put to in the liquidation of the said value; and that upon such payment being made, and a discharge thereof lodged with the sheriff or steward clerk, the said justices and commissioners, or the said trustees and commissioners, according as the case may be, shall from thenceforth have right, and be at liberty to take and use the ground so valued and paid for in the widening and extending the highways and roads aforesaid, as fully and effectually ever after, to all intents and purposes, as if the owner and owners of such grounds had executed regular dispositions of the same, and thereupon infestments had followed.

[VIII.] PROVIDED always, that thirty days notice at least shall be given to the owner and owners of the grounds so to be valued, and of the fences intended to be altered or removed, of the day upon which the jury are to be impannelled for those purposes; and that all proceedings and orders of sheriffs and stewards in the premises, made by virtue of this Act, shall not be removeable or questionable by bills or letters of advocacy or suspension to or by any other court whatsoever, any law or usage to the contrary notwithstanding.

[IX.] AND be it enacted by the authority aforesaid, that the commissioners of supply of every shire and stewartry in Scotland assembled, annually, upon the day appointed by Act of Parliament for the assessment of the land-tax, shall have power, and they are hereby impowered and required to lay an additional assessment for the payment of such sum and sums of money as shall have been for the preceding year adjudged by the sheriff or steward in manner aforesaid to the owner and owners of grounds to be taken, and of fences to be removed or altered, for the widening and enlarging the highways roads, as herein-before directed, and to issue precepts upon the collector and collectors for the payment thereof; and that in all cases where the ground so valued, or fences altered or removed as aforesaid, shall be taken or done for the widening and enlargement of a turnpike road as established by Act of Parliament, that the money adjudged by the sheriff or steward therefore shall be paid by the commissioners or trustees of such road out of the tolls arising from the same.

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## 12 GEORGE III. A.D. 1772.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TENTH DAY OF MAY,  
 A.D. 1768,  
 IN THE EIGHTH YEAR OF THE REIGN OF KING GEORGE  
 THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTY-FIRST DAY OF JANUARY, A.D. 1772,  
 BEING THE FIFTH SESSION OF THE THIRTEENTH PARLIAMENT  
 OF GREAT BRITAIN.

## CHAPTER XI.

AN ACT for the better regulating the future Marriages of the Royal Family.

Most Gracious Sovereign,

**W**HEREAS your Majesty, from your paternal affection to your own family, and from your royal concern for the future welfare of your people, and the honour and dignity of your crown, was graciously pleased to recommend to your Parliament to take into their serious consideration, whether it might not be wise and expedient to supply the defect of the laws now in being, and by some new provision more effectually to guard the descendants of his late Majesty King George the Second (other than the issue of princesses who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your Majesty, your heirs or successors, first had and obtained, we have taken this weighty matter into our serious consideration; And being sensible that marriages in the royal family are of the highest importance to the state, and that therefore the kings of this realm have ever been entrusted with the care and approbation thereof, and being thoroughly convinced of the wisdom and expediency of what your Majesty has thought fit to recommend upon this occasion; We, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present Parliament assembled, do humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no descendant of the body of his late Majesty King George the Second, male or female, (other than the issue of princesses who have married, or may hereafter marry, into foreign families,) shall be capable of contracting matrimony without the previous consent of his Majesty, his heirs or successors, signified under the great seal, and declared in council (which consent, to preserve the memory thereof, is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the Privy Council); and that every marriage, or matrimonial contract, of any such descendant, without such consent first had and obtained, shall be null and void to all intents and purposes whatsoever.

**Preamble.**  
  
 No descendant of his late Majesty Geo. 2. (other than the issue of princesses married, or who may marry, into foreign families) shall be capable of contracting matrimony without the previous consent of his Majesty, his heirs, &c., signified under the great seal, declared in council, and entered in the Privy Council books. Marriage of any such descendant, without such consent, to be void.

[II.] PROVIDED always, and be it enacted by the authority aforesaid, that in case any such descendant of the body of his late Majesty King George the

If any such descendant, above 25 years

old, shall persist to contract a marriage without such consent, such descendant, after 12 months notice to Privy Council, may contract such marriage, which shall be good, unless both Houses of Parliament shall disapprove.

Second, being above the age of twenty-five years, shall persist in his or her resolution to contract a marriage disapproved of, or dissented from, by the King, his heirs or successors; that then such descendant, upon giving notice to the King's Privy Council, which notice is hereby directed to be entered in the books thereof, may, at any time from the expiration of twelve calendar months after such notice given to the Privy Council as aforesaid, contract such marriage; and his or her marriage with the person before proposed and rejected, may be duly solemnized, without the previous consent of his Majesty, his heirs or successors; and such marriage shall be good, as if this Act had never been made, unless both Houses of Parliament shall, before the expiration of the said twelve months, expressly declare their disapprobation of such intended marriage.

Persons wilfully solemnizing or assisting at a marriage without such consent to incur the penalties of 16 Ric. 2. [c. 5.]

[III.] AND be it further enacted by the authority aforesaid, that every person who shall knowingly or wilfully presume to solemnize, or to assist or to be present at the celebration of any marriage with any such descendant, or at his or her making any matrimonial contract, without such consent as aforesaid first had and obtained, except in the case above mentioned, shall, being duly convicted thereof, incur and suffer the pains and penalties ordained and provided by the Statute of Provision and Premunire made in the sixteenth year of the reign of Richard the Second.

## CHAPTER XX.

AN ACT for the more effectual proceeding against Persons standing mute on their Arraignment for Felony or Piracy.

Preamble.

FOR the more effectual proceeding against persons standing mute on their arraignment for felony or piracy, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person, from and after the passing of this Act, being arraigned on any indictment or appeal for felony, or on any indictment for piracy, shall, upon such arraignment, stand mute, or will not answer directly to the felony or piracy, such person so standing mute as aforesaid shall be convicted of the felony or piracy charged in such indictment or appeal; and the court before whom he shall be so arraigned shall thereupon award judgement and execution against such person, in the same manner as if such person had been convicted by verdict or confession of the felony or piracy charged in such indictment or appeal; and such judgement shall have all the same consequences in every respect as if such person had been convicted by verdict or confession of such felony or piracy, and judgement had been thereupon awarded.

Persons hereafter to be arraigned for felony or piracy, standing mute, shall be convicted of such felony or piracy.

Provisions of this Act to extend to America.

[II.] AND be it further enacted, that the provisions of this Act shall extend to his Majesty's colonies and plantations in America.

## CHAPTER XXI.

AN ACT for giving Relief in Proceedings upon Writs of Mandamus for the Admission of Freemen into Corporations ; and for other Purposes therein mentioned.

**W**HEREAS divers persons, who have a right to be admitted citizens, Preamble.

burgesses, or freemen of divers cities, towns corporate, boroughs, cinque ports, and places within that part of Great Britain called England and Wales, being refused to be admitted thereto, have, in many cases, no other ordinary remedy to procure themselves to be admitted to the franchises of being citizens, burgesses, or freemen, than by writs of mandamus, the proceedings on which are very dilatory and expensive ; and, although any such writ of mandamus is obeyed, the person applying is nevertheless put to great and unnecessary trouble, delay, and expence : And whereas by the laws now in being, in many cases, no provision is made for giving costs to the party suing out any such writ where the same is obeyed : For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August one thousand seven hundred and seventy-two, where any person shall be intitled to be admitted a citizen, burgess, or freeman of any such city, town corporate, borough, cinque port, or place, and shall apply to the mayor, or other person, officer or officers, in such city, town corporate, borough, cinque port, or place, who hath or have authority to admit citizens, burgesses, and freemen therein, to be admitted a citizen, burgess, or freeman thereof ; and shall give notice, specifying the nature of his claim, to such mayor, or other officer or officers, that if he or they shall not so admit such person a citizen, burgess, or freeman within one month from the time of such notice, the Court of King's Bench will be applied to for a writ of mandamus to compel such admission ; and if such mayor, or other officer or officers, shall, after such notice, refuse or neglect to admit such person, and a writ of mandamus shall afterwards issue to compel such mayor, or other officer or officers, to make such admission, and, in obedience to such writ, such persons shall be admitted by the said mayor, or other officer or officers, a citizen, burgess, or freeman of such city, town corporate, borough, cinque port, or place, then such person shall (unless the court shall see just cause to the contrary) obtain and receive from the said mayor, or other officer or officers, so neglecting or refusing as aforesaid, all the costs to which he shall have been put in applying for, obtaining, and serving such writ of mandamus, and enforcing the same, by a rule to be made by the Court out of which such writ shall issue, for the payment thereof, together with the costs of applying for, obtaining, serving, and enforcing the said rule ; and if the rule so to be made shall not be obeyed, then the same shall be enforced in such manner as other rules made by the said court are or may be enforced by law.

After August 1, 1772, where any person intitled to be admitted a citizen, &c. of any city shall apply to the mayor, &c. for that purpose,

and shall give notice that a mandamus will be applied for ;

if such mayor, &c. shall refuse to admit such person, and a mandamus shall issue for compelling his admission,

the mayor, &c. shall pay all costs.

[II.] AND, in order that it may be known what persons are, from time to time, admitted freemen or burgesses of any city, corporation, borough, or cinque port, be it further enacted by the authority aforesaid, that the mayor, bailiff, town clerk, or other officer of any city, corporation, borough, or cinque port, having the custody of, or power over, the records of the same, shall, upon

Freemen to be admitted to inspect the entries of admission, &c., and to take copies thereof.

Mayor, bailiff,  
&c. denying  
inspection of  
such entries, or  
to give copies  
thereof, shall, for  
every refusal,  
forfeit 100*l*.  
to be recovered  
by action of  
debt,  
to be com-  
menced within  
one year after  
the cause shall  
have arisen.

the demand of any two freemen or burgesses, permit such freemen or burgesses, and their agent or agents, at any time whatsoever, between the hours of nine in the morning and three in the afternoon, to inspect the entries of admission of freemen, burgesses, or other inferior corporaters, and to take copies or extracts therefrom, paying for every such inspection two shillings and sixpence, and for every such copy or extract, not exceeding seventy-two words, the sum of four-pence, and so in proportion for all such copies or extracts: And if any mayor, bailiff, town clerk, or other officer shall refuse or deny the inspection of any such entries, or to give copies or extracts thereof, as before directed, he or they shall, for every such denial or refusal, forfeit and pay the sum of one hundred pounds to any person who shall sue for the same; to be recovered, with full costs of suit, by action of debt, in any of his Majesty's courts of record at Westminster; in which action it shall be sufficient for the plaintiff to alledge in his declaration, that the defendant or the defendants is or are indebted to the said plaintiff in the sum of one hundred pounds for money had and received to his use; provided that such action shall be commenced within the space of one year after the cause of it shall have arisen, and not afterwards.

#### CHAPTER XXIV.

AN ACT, for the better securing and preserving his Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

Preamble.

WHEREAS the safety and preservation of his Majesty's ships of war, arsenals, magazines, dock yards, rope yards, victualling offices, military, naval, and victualling stores, and the places where such stores are kept or deposited, either within this realm or in any of the islands, countries, forts, or places thereunto belonging, is of great importance to the welfare and security of the kingdom: May it please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons shall, either within this realm, or in any of the islands, countries, forts, or places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of his Majesty's ships or vessels of war, whether the said ships or vessels of war be on float or building, or begun to be built, in any of his Majesty dock yards, or building or repairing by contract in any private yards, for the use of his Majesty, or any of his Majesty's arsenals, magazines, dock yards, rope yards, victualling offices, or any of the buildings erected therein or belonging thereto; or any timber or materials there placed, for building, repairing, or fitting out of ships or vessels; or any of his Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places where any such military, naval, or victualling stores or other ammunition of war is, are, or shall be kept, placed, or deposited; that then the person or persons guilty of any such

Persons who  
shall wilfully  
set on fire, burn,  
or destroy ships  
of war, or aid  
or assist in so  
doing,  
in any of his  
Majesty's dock  
yards, arsenals,  
magazines, &c.;  
or any build-  
ings, timber,  
or materials  
there placed;  
or any mili-  
tary, naval, or  
victualling  
stores, &c.;

offence, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

being thereof convicted in due form of law, shall suffer death, as in cases of felony, without benefit of clergy.

[II.] AND be it further enacted by the authority aforesaid, that any person who shall commit any of the offences before mentioned in any place out of this realm, may be indicted and tried for the same either in any shire or county within this realm, in like manner and form as if such offence had been committed within the said shire or county, or in such island, country, or place where such offence shall have been actually committed, as his Majesty, his heirs or successors, may deem most expedient for bringing such offender to justice, any law, usage, or custom notwithstanding.

Persons offending out of this realm may be tried in any shire, &c. within the realm.

## CHAPTER XLV.

AN ACT for the better Regulation of Carters, Carriages, and loaded Horses, and for removing Obstructions and Nuisances upon the Streets and Highways within that part of Great Britain called Scotland. [1\*]

**W**HEREAS many accidents happen, and great mischief is frequently done upon the streets and highways within that part of Great Britain called Scotland, by the negligence or wilful misbehaviour of persons driving carriages: And whereas the law, as it now stands, is insufficient for correcting these abuses, or punishing the persons guilty of them: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of September one thousand seven hundred and seventy-two no person or persons whatsoever shall drive any cart, car, with or without ledges, or any waggon, sledge, or dray, of any kind whatsoever, upon the high roads or streets within that part of Great Britain called Scotland, unless the master or owner of such cart, car, with or without ledges, or such waggon, sledge, or dray, shall place upon some conspicuous part of such cart, car, with or without ledges, waggon, sledge, or dray, the name or names of the real owner or owners of any such carriage, and the place of residence of the real owner or owners of any such carriage, or of the house or farm where the owner or owners generally employ such carriage, in different colours from the body of such carriage; and also the numbers (beginning number one and so upwards) where more carts, cars, or other carriages than one belong to the same person, in order that the driver may the more easily be convicted of any disorder or misbehaviour committed by him or her.

Preamble.

After Sept. 1, 1772, no person shall drive any cart, car, or waggon, without the name of the owner, and his place of residence, to be placed on a conspicuous part of such cart;

and also the number of such carriage.

[II.] AND be it also enacted by the authority aforesaid, that if any person shall drive any of the before-mentioned carriages upon any of the said high roads or streets, not having the name or names of the owner or owners, and the place of their residence, or of the house or farm where the owner or owners generally employ such carriage, and where more carriages than one belong to the same person, the number placed upon some conspicuous part of the same,

Offenders driving carts, &c. without such names and numbers, to forfeit not exceeding 20s. nor less than 5s. for every offence.

[\* Rep., so far as relates to turnpike roads, 1 & 2 Will. 4. c. 43. s. 1.]

every such person offending in any of the cases aforesaid, or the owner or owners of such carriage respectively, shall forfeit a sum not exceeding twenty shillings sterling, and not less than five shillings sterling, for each offence committed by him, her, or them.

Names of carriages to be altered with the property, by succeeding owners, within 14 days after they become owners;

on penalty not exceeding 20s. and not less than 5s. for every offence.

Persons placing false names on carriages to forfeit 40s.

After Sept. 1, 1772, if any chaise driver, &c. shall be found sitting in his chaise without another person on one of the horses;

or any carter, &c. shall ride on his carriage without a proper person on foot to guide it;

within 6 miles of Edinburgh, 4 of Glasgow, or 2 of any other city, &c.

or if any driver shall negligently occasion any hurt or damage, or prevent the passage of any other carriage; or shall not dismount when required by any person apprehending danger;

the offender in any of the said cases shall forfeit 10s. if not the owner;

[III.] AND be it further enacted by the authority aforesaid, that every time the property of any of the above carriages shall be altered, the succeeding owner or owners thereof shall, from time to time, within fourteen days next after he, she, or they shall become owner or owners thereof and shall have used the same, cause the name or names and residence of the former owner or owners, and number thereof, to be taken off from every such carriage before mentioned, and the name or names and place of residence of the succeeding and real owner or owners, and number thereof, where more carriages than one belong to the same person, to be placed in manner aforesaid upon some conspicuous part of such carriage or carriages; and every person or persons who shall omit to do the same shall forfeit a sum not exceeding twenty shillings sterling, and not less than five shillings sterling, for each offence.

[IV.] AND be it enacted by the authority aforesaid, that if any person or persons shall place a false name or place of residence upon any such carriage belonging to him, her, or them, the person or persons so offending shall forfeit, for every such offence, a sum not exceeding forty shillings sterling.

[V.] AND, in order that the inconveniencies arising from the negligence of chaise drivers, carters, draymen, slegemen, carmen, and waggoners, and drivers of any other carriage whatsoever, may be the more easily prevented, be it enacted by the authority aforesaid, that from and after the said first day of September one thousand seven hundred and seventy-two, if any chaise driver within that part of Great Britain called Scotland shall be found sitting in his chaise without another person on one of the horses driving the same; or if any carter, drayman, carman, slegman, or waggoner, or the driver of any other carriage whatsoever, (coaches, chaises, phaetons, curricles, chairs, and such other carriages, which are usually driven by a person sitting within or upon the carriage, and such carriages as are respectively drawn by one horse only, or by two horses abreast, and are conducted by some person holding the reins of such horse or horses, excepted,) shall ride upon any such carriage, (not having some other person on foot or on horseback to guide the same,) on any street of any city or town, or on any highway within six miles of the city of Edinburgh, or four miles of the city of Glasgow, or two miles of any other city, royal burgh, market town, or burgh of regality, or barony; or if the driver of any carriage whatsoever on any part of any street or highway shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway, or shall, by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage or of his Majesty's subjects on the said highways; or if the driver of any cart, car, dray, or waggon, on any highway whatsoever, when riding on his carriage, shall not dismount (so as the better to guide his horse or horses and carriage) when required by any person apprehending danger from such carriage; every such driver offending in any of the cases aforesaid shall, for every such offence, forfeit any sum not exceeding ten shillings sterling, in case such driver shall not be the owner of such carriage; and in case the

offender be owner of such carriage, then any sum not exceeding twenty shillings sterling.

[VI.] AND whereas several inconveniencies do arise, and many accidents have happened by carts, cars, and other carriages above mentioned being drawn abreast or alongside one another, so as the passage of the streets and highways in that part of Great Britain called Scotland is entirely obstructed, and also by the drivers of such carriages not having bridles or halters upon their horses: Be it therefore enacted by the authority aforesaid, that from and after the said first day of September one thousand seven hundred and seventy-two no driver or drivers of carts, cars, or other carriages above mentioned shall drive their carriage or carriages abreast or alongside of any other carriage or carriages, so as wilfully to obstruct the free passage of such streets and highways respectively, but shall follow one after another upon the same, and shall have bridles or halters upon every horse in any of the above carriages, which bridles or halters upon the foremost horse shall (in all carriages not drawn by more than two horses) be tied with a rope, or some other thing of sufficient strength, to the halter or bridle of the horse behind, and which rope or bridle the driver of every such carriage shall have in his or her hand; and every person offending in the premises shall forfeit a sum not exceeding twenty shillings sterling, nor less than five shillings sterling, for each offence.

and, if the owner, 20s. for each offence.

No drivers of carts, &c. to drive alongside of other carriages, so as to obstruct the free passage,

but shall follow one after another, and have bridles or halters upon every horse, which the driver shall have in his hand, &c., on penalty not exceeding 20s. nor less than 5s.

[VII.] AND whereas the free passage of his Majesty's subjects is often obstructed, and their persons put in danger, from the present irregular and disorderly method of driving horses with or without loads, and by leaving carts, waggons, sledges, coaches, chaises, and other carriages, after the horses have been unyoked and taken from the same; and also stone, lime, timber, rubbish, and the bodies of dead horses and other animals, and other articles which do obstruct such free passage as aforesaid, upon the streets and highways within that part of Great Britain called Scotland: Be it therefore enacted by the authority aforesaid, that from and after the said first day of September one thousand seven hundred and seventy-two no drivers of horses or other beasts of burthen, with or without loads, shall drive their horses or other beasts of burthen abreast, so as wilfully to obstruct the free passage of his Majesty's subjects, or to put their persons in danger, but shall, as much as may be, drive them in a line one after another in a regular manner, having a bridle or halter affixed to the head of each horse or beast of burthen; and that the driver or owner of any cart, waggon, sledge, coach, chaise, or other carriage shall not be permitted to leave the same upon any street or highway within that part of Great Britain called Scotland, after the horse or horses have been unyoked and taken from such cart, waggon, sledge, or other carriage respectively, except only with respect to such carriage during such reasonable time as the same shall be loading or unloading; nor shall it be allowable to any person or persons to leave stones, lime, timber, rubbish, the bodies of dead horses or of other animals, or other nuisances, upon the streets and highways aforesaid, so as to obstruct the free passage of the same; and that every person offending in the premises shall forfeit a sum not exceeding twenty shillings sterling, and not less than five shillings sterling, for each offence.

No drivers to drive their horses, &c. abreast, so as to obstruct the free passage, but shall drive them in a line, one after another, with a bridle affixed to the head of each horse, &c.; nor shall the drivers of carts, &c. leave such upon any street, &c. unyoked, except when loading and unloading, nor shall any person leave any stones, &c. upon streets, &c., on penalty not exceeding 20s. nor less than 5s. Drivers of loaded horses, &c. and drivers

[VIII.] AND whereas many disputes frequently happen between the drivers of loaded horses and other beasts of burthen, and the drivers of carts and such

of carts, coaches, and carriages, shall, on meeting other horses or carriages, drive to the left hand or near side.

Penalty not exceeding 20s. nor less than 5s.

Prosecutions against offenders to be brought before the sheriff depute or substitute, &c. of the county or place where the offence is committed;

and judgement to proceed on confession, or on proof by credible witnesses.

Offenders to be apprehended for offences committed by authority of the Act, and carried before justice or judge competent.

Persons who shall see offences committed may, by authority hereof, detain horses, carts, &c. till sentence is pronounced; and in case the penalties adjudged shall not be paid, &c. the judge to cause sale to be made of the subjects detained.

other carriages, and between the drivers of coaches, chariots, chaises, and such like carriages, travelling upon any street or highway within the limits aforesaid, about giving the way to, or making way for one another: Be it enacted by the authority aforesaid, that the driver of every such loaded horse, horses, or other beasts of burthen, and the driver of every cart, car, or such like carriage, and every coach, chariot, chaise, and such like carriage, shall be obliged, upon meeting another loaded horse or other beast of burthen, or another carriage, of whatever kind, to make way, by holding or driving to his own left hand, or what is commonly called holding to the near side, and that without distinction, whether the carriages so meeting one another are loaded or unloaded; and that every person offending in the premises shall forfeit a sum not exceeding twenty shillings sterling, and not less than five shillings sterling, for every such offence.

[IX.] AND be it further enacted by the authority aforesaid, that prosecutions against offenders in respect of the several acts and neglects which are made punishable by this Act, may be brought summarily before the sheriff depute or substitute, or any justice of the peace of the county within which the offence shall be committed, or before any of the magistrates of cities or boroughs where the offences have been committed within their jurisdiction, or before any other judge competent; and that judgement shall proceed and be given against the offender or offenders, either upon his or their own confession, or upon the oath or oaths of one or more credible witnesses.

[X.] AND be it further enacted by the authority aforesaid, that in all and every of the neglects and offences punishable by this present Act, it shall be lawful for any person or persons aggrieved, and intending to sue for the recovery of the penalties authorised by this Act, upon the authority of the same, and without any other warrant, to apprehend the offender or offenders, and either to carry him, her, or them, or cause him, her, or them to be carried, by the assistance of any peace-officer or other person or persons, before any justice of the peace, or other judge competent, within the bounds where the offences shall be committed; which judge is hereby impowered and required, upon conviction of the offender or offenders, by his or their own confession, or the oath or oaths of one or more credible witnesses, to deal with him, her, or them in manner as herein before directed; and any person or persons who shall see any of the offences before recited committed, shall and may, by the authority of this Act, without any other warrant, seize and detain the horses, carts, cars, sledges, waggons, drays, coaches, chariots, landaus, and other such like machines and carriages, and the horses belonging to the several offenders, till such time as sentence shall be pronounced by the competent judge concerning the offence; and in case the penalties adjudged by him in consequence of this Act shall not be paid, or security found for the same, within twenty-four hours after conviction and sentence, then the judge before whom the offender shall be convicted is hereby authorised and required to issue his warrant, directed to a constable or other peace-officer within his jurisdiction, to cause sale to be made of the subject or subjects detained, in case the same happens to be the property of the offender or offenders, for raising the money forfeited by him or them, rendering to such offender or offenders the overplus, after deducting the charges of sale, and the expence of keeping the subject detained, both which shall be determined by the judge before whom the



offender or offenders are convicted ; and in case the subject or subjects aforesaid do not happen to be the property of such offender or offenders, that then the same shall be returned to the lawful owner or owners thereof, and it shall be lawful for the judge aforesaid, and he is hereby required, in case the fine shall not be instantly paid upon conviction or satisfactory security given for the same, to commit the offender or offenders to gaol, there to remain until such time as the fine shall be paid or satisfactory security found for the same, or until the expiration of two months after such commitment.

Offenders may be committed till satisfactory security be found.

[XI.] AND be it further enacted by the authority aforesaid, that if any person or persons charged with being guilty of any of the offences made punishable by this Act shall, upon the seizure of, or an attempt to seize, under the authority of this Act, his or their persons or property, or the property of others under their care as aforesaid, resist, abuse, or maltreat any person or persons whatsoever, or if any person shall aid or assist him, her, or them in so doing, he, she, or they shall respectively forfeit the sum of twenty shillings sterling for every such last-mentioned offence; the offence to be proved, and judgement to proceed thereupon, in the same way and manner as herein-before provided for in the case of the other before-mentioned offences against this Act.

Offenders punishable by the Act for maltreating any person whatever to forfeit 20s. for every offence.

[XII.] AND be it also enacted by the authority aforesaid, that if any person or persons who shall be apprehended for having committed any offence against this Act shall refuse to discover his or her name and place of abode to any judge competent before whom he or she shall be brought, such person or persons so refusing shall be committed by the judge to any gaol of the county, there to remain until such time as he, she, or they shall discover his her or their name or names and place or places of abode.

Persons apprehended for offences, refusing to discover their names to the judge, to be committed.

[XIII.] AND be it likewise enacted by the authority aforesaid, that the fines and forfeitures arising from the offences made punishable by this Act shall be applied, the one half to the informer or prosecutor, and the other half to the collector of the land tax of the county within which the offence shall have been committed, and by him to be accounted for as part of the funds established by law for the detection and punishment of vagrants within that part of Great Britain called Scotland.

Forfeitures arising by the Act to be applied, one half to the informer, and the other to the collector of the land tax.

[XIV.] PROVIDED always, that no prosecution under this present Act shall lie against any person or persons whatsoever unless the same shall be brought within three months of the time at which the offence or offences charged was or were actually committed ; and that in all cases an appeal shall lie against every sentence or judgement of one or more justices of the peace, made under and by virtue of the powers given by this Act, to the next quarter-sessions of the peace for the county within which the offence was committed, whose determination shall be final ; and that the said appeal shall be competent to every person and persons having an interest, and apprehending him, her, or themselves to be aggrieved by such sentence and judgement.

No prosecution to lie unless brought within three months after the offence was committed.

Determination of the quarter sessions to be final.

[XV.] DECLARING always, that nothing herein contained shall extend, or be construed to extend, to limit, lessen, or take away any of the jurisdictions, powers, and authorities, rights, privileges, and immunities, of any of the cities and royal boroughs within that part of the United Kingdom called Scotland, or of the magistrates and town council of the same, as contained in Acts of Parliament, or charters and other grants from his Majesty and his royal

Nothing herein to lessen the jurisdiction of the royal boroughs.

predecessors ; nor shall this present Act be any way derogatory to, or in any respect whatsoever be understood to encroach, repeal, or take away the said jurisdictions, rights, or immunities, any thing herein contained to the contrary notwithstanding.

## CHAPTER LXXII.

AN ACT for rendering the payment of the Creditors of Insolvent Debtors more equal and expeditious, and for regulating the Diligence of the Law by Arrestment and Pounding, and for extending the Privilege of Bills to Promissory Notes, and for limiting Actions upon Bills and Promissory Notes, in that part of Great Britain called Scotland.

After May 15, 1772, promissory notes to bear interest, &c. as bills.

[XXXVI.] \* AND whereas it would be advantageous to trade in that part of Great Britain called Scotland, that promissory notes were allowed the like summary execution and other privileges with bills: Be it therefore enacted by the authority aforesaid, that from and after the fifteenth day of May, one thousand seven hundred and seventy-two, the same diligence and execution shall be competent, and shall proceed upon promissory notes, whether holograph or not, as is provided to pass upon bills of exchange and inland bills by the law of Scotland, and that promissory notes shall bear interest as bills, and shall pass by indorsation ; and that indorsees of promissory notes shall have the same privileges as indorsees of bills in all points.

No bills of exchange or promissory notes executed after May 15, 1772, to be effectual to produce diligence,

[XXXVII.] AND whereas the not limiting bills and promissory notes to a moderate endurance in that part of Great Britain called Scotland has been found by experience to be attended with great inconveniencies ; For remedy whereof be it enacted by the authority aforesaid, that no bill of exchange, or inland bill, or promissory note, executed after the fifteenth day of May, one thousand seven hundred and seventy-two, shall be of force, or effectual to produce any diligence or action in that part of Great Britain called Scotland, unless such diligence shall be raised and executed, or action commenced thereon, within the space of six years from and after the terms at which the sums in the said bills or notes became exigible.

unless such diligence shall be used before the expiration of six years.

Bank bills not comprehended under the above limitation.

[XXXIX.] PROVIDING always, that no notes, commonly called bank notes or post bills, issued or to be issued by any bank or banking company, and which contain an obligation of payment to the bearer, and are circulated as money, shall be comprehended under the aforesaid limitation or prescription ; and that it shall and may be lawful and competent, at any time after the expiration of the said six years, in either of the cases before mentioned, to prove the debts contained in the said bills and promissory notes, and that the same are resting and owing by the oaths or writs of the debtor.

Years of minority not to be computed.

[XL.] AND it is hereby enacted and declared, that the years of the minority of the creditors in such notes or bills shall not be computed in the said six years.

Promissory notes and inland bills to be protested as foreign bills.

[XLI.] AND it is further enacted and declared, that all inland bills and promissory notes shall be protested in like manner as foreign bills before the expiration of the three days of grace, otherwise there shall be no recourse against the drawers or indorsers of such inland bills, or against the indorsers of such

promissory notes; and it shall be sufficient to preserve the said recourse if notice is given of the dishonour within fourteen days after the protest is taken, without prejudice to the notification of the dishonour of foreign bills, to be made within such time as is required by the usage and custom of merchants.

[XLII.] AND be it further enacted by the authority aforesaid, that from and after the said fifteenth day of May, one thousand seven hundred and seventy-two, summary execution, by horning or other diligence, shall pass upon bills, whether foreign or inland, and whether accepted or protested for non-acceptance, and upon all promissory notes duly negotiated, not only against the accepters of such bills or grantors of such notes but also against the drawers of such bills, and the whole indorsers of the said bills and notes jointly and severally, excepting where the indorsation is qualified to be without recourse, saving and reserving to the drawers or indorsers their respective claims of recourse against each other, and all defences against the same, according to law.

After May 15, 1772, summary execution by horning shall pass upon bills, &c.

[XLIII.] AND be it also enacted by the authority aforesaid, that from and after the said fifteenth day of May, one thousand seven hundred and seventy-two, summary execution, by horning or other diligence, shall be competent to the indorsee of a bill, although the protest is not in the name of the indorsee craving the diligence, and although the bill is not re-conveyed to him by indorsation, if he produces a receipt for the value by act of honour, or a missive letter from the protesting indorsee mentioning the dishonour, agreeable to the practice of merchants in returned bills.

After May 15, 1772, summary execution by horning shall be competent to the indorsee.

\* \* \* \* \*

### 13 GEORGE III. A.D. 1772-3.

#### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TENTH DAY OF MAY,  
A.D. 1768,

IN THE EIGHTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTY-SIXTH DAY OF NOVEMBER, A.D. 1772,

BEING THE SIXTH SESSION OF THE THIRTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XXI.

AN ACT to extend the Provisions of an Act, made in the Fourth Year of the Reign of His late Majesty King George the Second, intituled "An Act to explain a Clause in an Act, made in the Seventh Year of the Reign of Her late Majesty Queen Anne, for naturalizing Foreign Protestants, which relates to the Children of the natural-born Subjects of the Crown of England, or of Great Britain," to the Children of such Children.

**W**HEREAS divers natural-born subjects of Great Britain who profess and exercise the protestant religion, through various lawful causes, especially for the better carrying on of commerce, have been, and are, obliged

Preamble.

to reside in several trading cities and other foreign places, where they have contracted marriages and brought up families: And whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired; and therefore that not only the children of such natural-born subjects, but their children also, should continue under the allegiance of his Majesty, and be intitled to come into this kingdom, and to bring hither and realize or otherwise employ their capital; but no provision hath hitherto been made to extend farther than to the children born out of the ligeance of his Majesty, whose fathers were natural-born subjects of the Crown of England, or of Great Britain: May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all persons born, or who hereafter shall be born, out of the ligeance of the crown of England, or of Great Britain, whose fathers were or shall be, by virtue of a Statute made in the fourth year of King George the Second to explain a clause in an Act made in the seventh year of the reign of her Majesty Queen Anne, for naturalizing foreign protestants, which relates to the natural-born subjects of the Crown of England, or of Great Britain, intitled to all the rights and privileges of natural-born subjects of the Crown of England, or of Great Britain, shall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom, any thing contained in an Act of the twelfth year of the reign of King William the Third, intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," to the contrary in any-wise notwithstanding.

[4 Geo. 2.  
c. 21.]

[7 Ann. c. 5.]

[12 & 13 W. 3.  
c. 2.]

Provisoos, &c.  
of 4 Geo. 2.  
[c. 21.] not  
repealed by  
this Act.

[II.] PROVIDED always, and be it enacted and declared by the authority aforesaid, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to extend, to make any persons born or to be born out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of Great Britain contrary to all or any of the provisoos, exceptions, limitations, and restrictions contained in the aforesaid Act made in the fourth year of the reign of his said late Majesty, or to repeal, abridge, or alter the same; but all such clauses shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present Act had never been made.

\* \* \* \* \*

Not to defeat  
any right  
vested in  
another person  
on the last day  
of this session.

[IV.] PROVIDED always, and be it further enacted by the authority aforesaid, that no person shall be enabled hereby to defeat any estate, right, or interest which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue.

## CHAPTER XXXII.

AN ACT for repealing so much of an Act, made in the Twenty-third Year of His late Majesty King George the Second, as relates to the preventing the stealing or destroying of Turnips, and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots. [•]

**W**HEREAS the cultivation of turnips, potatoes, cabbages, parsnips, pease, and carrots is of great consequence to this kingdom, and the laws in

being are ineffectual for preventing the stealing and destroying the same: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June, one thousand seven hundred and seventy-three, if any person shall steal and take away, or maliciously pull up or destroy, any turnips, potatoes, cabbages, parsnips, pease, or carrots, growing or being in any garden, lands, or grounds, open or inclosed, and shall be thereof convicted before any justice or justices of the peace for the county or place where the offence shall be committed, either by the confession of the party offending, or by the oath of one or more credible witness or witnesses, (which oath such justice or justices is and are hereby impowered to administer,) every person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such conviction, such sum of money, not exceeding the sum of ten shillings over and above the value of the goods stolen, as to such justice or justices shall seem meet; which sum of money shall be distributed between the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and the overseers of the poor or other persons having the charge and disposal of the funds of the poor of such parish or place where the offence shall be committed, for the use of the poor of such parish or place, in such proportion as such justice or justices shall think fit; or the whole of such sums shall be given to the owner of such turnips, potatoes, cabbages, parsnips, pease, or carrots, or to the overseers of the poor or other persons having the charge and disposal of the funds for the use of the poor of such parish or place, according to the discretion of such justice or justices: And in default of payment of such penalty of which the offender hath been convicted as aforesaid, such justice or justices shall and may commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: And if the offence is committed in that part of Great Britain called Scotland, such justice or justices shall and may commit such offender to prison, there to remain for any time not exceeding one calendar month, unless such penalty shall be sooner paid or satisfied: And the bringing the offender or offenders before such justice or justices of the peace may be done, and the proceedings against offenders, under the authority of this Act, may be carried on in the most summary manner.

[II.] AND, for the more easy conviction of persons offending against this Act, be it enacted by the authority aforesaid, that in all infortmaions and other proceedings for any of the offences aforesaid the evidence of the owner

Preamble.

After June 1, 1773, persons stealing turnips, potatoes, cabbages, &c. from any garden, lands, &c. shall forfeit 10s. on conviction, beside the value of the goods stolen.

Evidence of owners, &c. to be taken and allowed.

or owners of such turnips, potatoes, cabbages, parsnips, pease, or carrots, and of the inhabitants of the parish or place where the offence shall be committed, shall be taken and allowed, any law, custom, rule, order, or usage to the contrary notwithstanding.

Where conviction shall be on oath of the owners, the forfeiture to be paid to the overseers of the poor.

Conviction to be drawn in the following form.

[III.] PROVIDED always, that where any such conviction shall be upon the oath of the owner or owners the whole of the penalty or forfeiture shall be paid to the overseer or overseers of the poor for the parish or place where the offence shall be committed, for the use of the poor of such parish or place.

[IV.] AND for the more easy and speedy conviction of offenders against this Act, be it further enacted, that all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case shall happen ; videlicet,

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord

A.B., having been brought before me, or having been duly summoned, and not having appeared, or having appeared (as the case may happen), and having confessed, or being convicted (as the case may happen) of the charge exhibited against him, is duly convicted before me, C.D., one of his Majesty's justices of the peace for the county of \_\_\_\_\_ [specifying the offence, and the time and place when and where the same was committed, as the case shall be]. Given under my hand and seal, the day and year aforesaid.

Proviso.

[V.] PROVIDED always, that no person shall be prosecuted for any such offence unless such prosecution be begun within thirty days after the offence committed.

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### CHAPTER LII.

An Act for appointing Wardens and Assaymasters for assaying Wrought Plate in the Towns of Sheffield and Birmingham. [A]

Preamble.

**W**HEREAS the silversmiths and plate-workers in and about the town of Birmingham, in the county of Warwick, and in and about the town of Sheffield, in the county of York, are under great difficulties and hardships in the exercise of their trades, for want of assayers in convenient places to assay and touch their wrought plate: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several towns of Birmingham and Sheffield aforesaid shall be and are hereby appointed for the assaying and marking of wrought silver plate, and for executing the powers, authorities, and directions given by this Act.

The guardians of the standard of wrought plate.

[II.] AND be it enacted by the authority aforesaid, that the Earl of Dartmouth, the right honourable Lord Archer, the right honourable Heneage

[\* Rep., so far as relates to the town of Birmingham and within twenty miles thereof, 5 Geo. 4. cap. lii. s. 1.]

Finch, commonly called Lord Guernsey; the right honourable George Greville, commonly called Lord Greville; the right honourable Francis Conway, commonly called Lord Beauchamp; Sir John Wrottesley baronet, Sir Henry Bridgman baronet, the honourable John Ward, Richard Geast, John Wyrley, Isaac Spooner, Henry Gough, Charles Colemore, John Taylor, Samuel Garbitt, Henry Carver senior, Joseph Wilkinson, Sampson Lloyd junior, Thomas Ingram, Edward Palmer, John Kettle, Joshua Glover, Matthew Boulton, John Francis, Thomas Mynde, Samuel Pemberton, John Turner senior, John Lee, William Sawyer, John Lane of Mosely, James Alston, Matthew Barker, Joseph Adams of Walsall, James Wright, Samuel Galton, and James Jackson, shall be, and are hereby incorporated a company of or belonging to the said town of Birmingham; and that the most honourable Charles Marquis of Rockingham, the Earl of Stafford, the Earl of Effingham, Godfrey Bagnall Clark, Anthony Saint Leger, Samuel Shore the younger, Samuel Tooker, Henry Howard, Walter Osborne, the reverend James Wilkinson clerk, Benjamin Roebuck, Thomas Broadbent, John Shore, George Greaves, John Turner, Thomas Bland, George Brittain, Samuel Staniforth, Simon Andrews Young, Joseph Matthewman, John Hoyland, Henry Tudor, John Winter, Albion Cox, John Rowbotham, Joseph Hancock, Matthew Fenton, William Marsden, Thomas Law, and Joseph Wilson, shall be and are hereby incorporated a company of or belonging to the said town of Sheffield, and shall be called and known by the name of "The guardians of the standard of wrought plate," within such towns respectively, and shall continue of such company so long as they live and reside in such towns respectively, or within twenty miles thereof; which companies respectively shall be enabled, and are hereby authorised, on or before the fifth day of July next, to meet at some convenient place within each town respectively, and chuse four persons by majority of voices out of each company respectively to be the wardens of the said company in each of the said towns respectively; which said wardens shall continue for the space of one year, and no longer, unless re-elected by the company in manner aforesaid.

[III.] AND be it further enacted by the authority aforesaid, that each of the said companies respectively shall be enabled, and are hereby authorised and directed, annually, on the first Monday in July in every year, out of fit and proper persons resident in such towns respectively, or within twenty miles thereof, to chuse, by a majority of members present at any meeting to be held for that purpose, one or more person or persons into the said companies respectively in the place and stead of such of the said company who shall have died or removed to a greater distance than twenty miles from such towns respectively, so as by reason of such choice there shall not be, when the company is compleat, more than nine or less than six plate-workers members of each company respectively; and that immediately after such companies shall be so filled up in manner aforesaid they shall be enabled, and are hereby authorised and directed, to proceed to the election of the four wardens for the year ensuing, in manner aforesaid; and if any of the said wardens so chosen as aforesaid shall happen to die or remove to a greater distance than twenty miles out of such town, then the said companies respectively shall, within one month after such death or removal, chuse another person of each respective company, in manner aforesaid, to be warden in his

Other persons to be chosen in place of those who shall die, and four wardens to be elected.

room ; and such person shall and is hereby authorised and required to act accordingly for the remainder of that year.

No silver plate to be sold until the same shall be marked with the initials of the worker's name, &c.

[IV.] AND be it further enacted by the authority aforesaid, that no silversmith or plate-worker in either of the said towns, or within twenty miles thereof, shall knowingly put to sale, exchange, or sell any silver vessel, plate, or manufacture of silver, made or wrought in either of the said towns, or within twenty miles thereof, after the twenty-ninth day of September next, or export the same out of this kingdom, until such time as such silver vessel, plate, or manufactured silver (being of the standard of eleven ounces two penny weight of fine silver per pound troy), shall be marked as followeth ; that is to say, with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname ; and also with the lion passant, and with the mark of the company within whose assay office such plate shall be assayed and marked, to denote the goodness thereof, and the place where the same was assayed and marked ; and also with a distinct variable mark or letter, which letter or mark shall be annually changed upon the election of new wardens for each company, to denote the year in which such plate is marked ; or plate, being of the standard of eleven ounces ten penny weight of fine silver per pound weight troy, with the mark of the worker or maker thereof, which shall be the first letters of his christian and surname, as aforesaid, the figure of a woman commonly called Britannia, the said mark or letter to denote the year as aforesaid, and with the mark of the company within whose office such plate shall be assayed and marked ; upon pain that all such silver vessels, plate, or other manufactured silver (except such things as by reason of their smallness or thinness are not capable of receiving a touch), which shall be made, exposed to sale, exchanged, or exported contrary to this Act, shall be forfeited, or the value thereof, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons as will sue for the same ; to be recovered by action of debt, bill, suit, or information, in any court of record in any county or place wherein such offence shall be committed, and wherein no essoin, protection, wager of law, or any more than one imparlance shall be allowed.

Peculiar marks of the Birmingham and Sheffield Companies.

[V.] AND be it further enacted by the authority aforesaid, that the peculiar marks of the said companies, directed to be used as aforesaid, shall be as follows ; that is to say, for the Birmingham company, an anchor, and for the Sheffield company, a crown.

Assayers to be elected by both companies.

[VI.] AND be it further enacted by the authority aforesaid, that each of the said companies shall, from time to time, elect and chuse, in manner aforesaid, one or more able and skilful person or persons, experienced in the assaying of silver, to be the assayer or assayers ; and that such person or persons so chosen shall continue in the said office during his or their life or lives, unless he or they shall neglect to attend the said business, or shall die or be rendered incapable of executing the said office of assayer ; for which said assayer or assayers it shall and may be lawful to detain eight grains only from every pound troy of silver he or they shall assay, four grains whereof shall be put into the box of diet, and the other four grains shall be allowed him towards his waste and spillings in making the said assays ; and every assayer and assayers chosen in pursuance of this Act, immediately after his or their election or elections and before he or they take upon himself or



themselves the execution of the said office, shall enter into one bond or obligation to the master of his Majesty's mint for the time being, with two sufficient sureties, to be approved of by the said master, in the penalty of five hundred pounds, for the execution of the said office, and for the due payment of all such fines and sums of money as are and shall be charged and imposed on him or them by this Act for neglect or fraud in the execution of the said office; and shall also take and subscribe the oath following; videlicet,

**I** A.B. do swear, that I will be faithful and true to our sovereign lord Assayer's oath.  
King George, and will, so long as I continue an assayer, well and faithfully behave myself in the said office; and no undue profit to myself take, to the hurt or hinderance of any person that is owner or bringer of any silver in plate to be assayed, except of wrought plate only four grains of every pound weight to be taken and put into the box of diet, and other four grains to be taken likewise of every pound weight of plate wrought (and not otherwise) towards my waste and spillings in making the said assays; and that I will touch no silver but what shall be of the goodness of and according to the standard of this kingdom, which, for the time being, is or shall be appointed by law for wrought plate, or better; and all such silver as shall be brought to me to be touched I will carefully examine, to see if it be of all one sort of silver, and forward enough in the workmanship, and whether all the pieces be fixed together that are intended to be affixed together, and whether it be not charged with unnecessary solder; and if I find the same liable to either of the objections aforesaid, I will not assay the same; and that I will truly set down in writing all such silver as shall be brought to me to be touched, and the same, at all times, as I shall be required, will duly and truly deliver again (except eight grains as aforesaid); and will true accounts make thereof when required by the wardens of the company wherein I am chosen assayer; and that I will no assays make of things new wrought before that they be marked with the mark of the maker or owner thereof; and that I will, according to the best of my skill and judgement, make every assay so and in such sort and manner as may best ascertain the true intrinsick standard of such plate so to be assayed; and that I will not put or wittingly suffer to be put into the aforesaid box any silver but that silver which has been scraped and taken in my presence from the plate which I shall assay and pass for standard; and that I will not, by myself or in partnership with any other person, directly or indirectly, be concerned in the buying or selling of silver bullion, or in the manufacturing of wrought plate.

So help me GOD.

Which oath the master of his Majesty's mint in the Tower of London for the time being, or in his absence his deputy in the said office, is hereby required and impowered to administer to such assayer.

[VII.] PROVIDED always nevertheless, and be it enacted by the authority aforesaid, that if any person chosen assayer in pursuance of this Act shall neglect to attend the said business, or shall die or be rendered incapable of executing the said office, that then, and in either of the said cases, it shall and may be lawful to and for that company to whom such assayer did belong to elect and chuse, in manner aforesaid, one other fit and proper person to be the assayer, in the place and stead of the assayer falling under either of the descriptions aforesaid.

On death of  
assayer, &c.  
company to  
elect another.

Each company to provide an assay office; and the wrought plate to be examined by two wardens and an assayer.

[VIII.] AND be it further enacted by the authority aforesaid, that each of the said companies shall find and provide, within their respective towns, a proper place for an office for receiving in, assaying, and delivering out all wrought plate that shall be brought to be assayed in pursuance of this Act; and that all wrought plate that shall be there brought for the purpose aforesaid shall be examined by two of the wardens and assayer of the said company, to see if it be all of one sort of silver, and forward enough in the workmanship, and whether all the pieces be affixed together that are intended to be affixed together, and whether it be marked with the maker or owner's mark, or be not charged with unnecessary solder; and that if they shall find any of such plate liable to either of the objections aforesaid, that then they shall return the same without making any assay thereof; but if they shall find such plate free from all the objections aforesaid, that then there shall be drawn, scraped, or cut off, in the presence of two of the wardens and assayer, so much from each piece, in proportion to the weight thereof, as will not exceed in the whole the rate of eight grains for every pound weight; and the drawings, scrapings, or cuttings off from each piece shall immediately after be divided into moieties in the presence of the said wardens and assayer; and a moiety of the drawings, scrapings, or cuttings off from each piece be delivered to the assayer for him to make his assays, and the other moiety shall be locked up with three different locks in a box to be provided for that purpose, (which shall be called the assayer's box,) and the respective keys thereof shall be kept by two of the wardens and assayer of such respective company by whom such assayers shall be elected and chosen.

If base metal be found in any piece of plate, the same shall be broken, and the value forfeited.

[IX.] AND be it further enacted by the authority aforesaid, that if on view of any of the said plate so brought to be assayed, and after weighing the same in water, and trying the effect of magnetism, the wardens and assayer, or either of them, shall have suspicion of iron, or other base metal, being introduced or concealed in any piece of plate so brought to be assayed, that then it shall and may be lawful to and for the said wardens and assayer to cut the same, or cause the same in their presence to be cut; and if upon cutting thereof any unnecessary iron, or other base metal, shall be found therein, the said piece of plate shall be broken and defaced, and they are hereby authorised and directed to break and deface the same; and the said plate, or the value thereof, shall be forfeited to the said wardens and assayer, and the produce thereof be by them applied towards the expenses of the assay office.

If no base metal be found on cutting such plate, recompence to be made.

[X.] PROVIDED always nevertheless, and be it enacted by the authority aforesaid, that if on cutting such plate, by authority aforesaid no unnecessary iron or other base metal shall be found therein, that then, and in such case, the said wardens and assayer shall forthwith make a recompence and satisfaction, in money, to the owner of such plate, to the full amount of the damage done to the same, and charge the same to the account of the expences of the assay office.

Drawings, scrapings, &c. how to be disposed of.

[XI.] AND be it further enacted by the authority aforesaid, that the moiety of the drawings, scrapings, or cuttings off of each piece so to be brought to the Assay Office as aforesaid, and the moiety thereof to be locked up in the assayer's box as aforesaid, shall be put in separate papers, and marked with corresponding numbers, and the assayer shall make his report to the wardens upon each piece; and such of the said numbers as the assayer shall report to

be worse than standard, the pieces of plate corresponding with such numbers shall be broke to pieces in the presence of the said wardens and assayer, and returned to the owner, he paying sixpence per ounce to the assayer for assaying the same; and such numbers as the said assayer shall report to be standard or better, the pieces of plate corresponding with such numbers shall be forthwith marked, in the presence of the wardens and assayer, with the company's mark, and delivered to the owner or bringer of such plate (he paying for making the assay thereof such sums of money as are herein-after directed to be paid for the same); and the scrapings belonging to such corresponding numbers which shall be so reported standard, or better, shall be taken out of the assayer's box and be folded up, and the name of the maker of the plate indorsed thereon, and immediately deposited in a box to be provided for that purpose, (which shall be called the diet box,) and which box shall be locked with three different locks, and the respective keys thereof shall be kept by two of the said wardens and assayer, and which said box shall never after be opened but in the presence of the said wardens and assayer, or any of the diet taken thereout, but for the purpose of trial thereof annually, as hereafter is mentioned; and the moiety of the scrapings, drawings, and cuttings off which shall be delivered to the assayer for the purpose of assaying, or so much thereof as shall remain after such process, shall, in the presence of the wardens, be put by the assayer together in the assayer's box, in a part thereof to be appropriated for that purpose, to be disposed of as by this Act is hereafter directed.

[XII.] PROVIDED always nevertheless, and be it enacted by the authority Proviso. aforesaid, that if any plate so brought to be assayed shall be reported to be of the standard of eleven ounces ten penny-weight, or better, that then the moiety of the drawings, scrapings, or cuttings off from such plate shall be put in the diet box, in a part thereof to be appropriated for that purpose, and not blended with the other diet, to the intent that the diet of plate of each of the aforesaid standards may be separately tried on the annual trial of the diet herein-after directed.

[XIII.] AND be it further enacted by the authority aforesaid, that on or before the twenty-ninth day of September next, every silversmith or plate-worker inhabiting in either of the towns aforesaid, or within twenty miles of either of them, and also every person who, at any time after the said twenty-ninth day of September, shall follow the trade of a silversmith or plate-worker, before he takes upon him to exercise either of the said trades shall enter his name and his mark and place of abode with the wardens of that company nearest which he shall reside, which shall be done by the said wardens upon demand, without fee or reward; and if any such silversmith or plate-worker shall not enter his name and mark and place of abode as aforesaid, or shall reside and carry on his said trade in any other place than what he has so entered as the place of his abode, and shall not have entered his removal, or shall strike any other mark on plate than what is so entered, such silversmith or plate-worker so offending shall forfeit the sum of one hundred pounds, to be recovered and disposed of as aforesaid.

Silversmith or plate-worker not entering his name with the wardens of that company nearest which he shall reside,

shall forfeit 100*l*.

[XIV.] AND be it further enacted by the authority aforesaid, that if any person whatsoever shall cast, forge, or counterfeit, or cause or procure to be

Persons counterfeiting marks or

stamps used  
by the said  
companies ;

or transposing  
stamps from  
one piece to  
another, and  
exposing such  
to sale ;

or wilfully  
possessing  
counterfeit  
stamps ;

shall, on con-  
viction, be  
transported to  
America for  
14 years.

Dealers in  
plated metal  
causing letters  
to be struck  
thereon to  
forfeit 100*l*.

Assayers to  
take not ex-  
ceeding 1*s*. for  
every lb. troy  
of wrought  
plate assayed.

cast, forged, or counterfeited any mark or stamp used or to be used for marking plate, in pursuance of this Act, or by any maker or worker of silver plate, or any or either of them ; or shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression in imitation of or to resemble any mark, stamp, or impression made, or to be made, with any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; or shall mark or stamp, or cause or procure to be marked or stamped, any silver wrought plate with any mark or stamp which hath been or shall be forged or counterfeited in imitation of or to resemble any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any plated vessel, or to any vessel of base metal, any mark, stamp, or impression made or to be made by or with any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; or shall sell, exchange, or expose to sale, or export out of this kingdom, any silver wrought plate, or any vessel of base metal, with any such forged or counterfeit mark, stamp, or impression thereon, or any mark, stamp, or impression which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp, or impression to be forged, counterfeited, or transposed, or removed, as aforesaid ; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been, or shall be, forged or counterfeited, in imitation of or to resemble any mark or stamp used, or to be used, as aforesaid, by the said companies respectively, or by any maker or worker of silver plate, or any or either of them ; every such person offending in any, each, or either of the cases aforesaid, being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported to some of his Majesty's colonies or plantations in America for the term of fourteen years.

[XV.] AND be it further enacted by the authority aforesaid, that if any working silversmith or dealer in wrought plate, or any worker or dealer in any other metal plated or covered with silver, shall strike, or cause to be struck, any letter or letters upon any vessel or other thing made of metal plated or covered with silver, or upon any metal vessel, or other thing made to look like silver, such person or persons so offending shall forfeit the sum of one hundred pounds, to be recovered and disposed of as aforesaid.

[XVI.] AND be it further enacted by the authority aforesaid, that all and every silversmith and plate-worker shall first fix his or their mark upon his or their plate which shall be made from and after the twenty-ninth day of September next, (except such things which by reason of their smallness or thinness are not capable of receiving the touch,) and shall then bring or send the same to the office where they shall have entered their mark and place of abode, and the same shall be there assayed according to this Act ; and if by the assayer it shall be found to be of the fineness of standard which for the time being is or shall be appointed by law for wrought plate, or better, then the same shall be marked with the company's marks, in the presence of the

wardens and assayer; and that it shall and may be lawful to and for the said assayer, or such other person as the wardens for the time being of each respective company shall appoint, to ask, demand, take, and receive of and from all and every such person and persons as shall, from time to time, bring to the assay office belonging to the said company any piece or parcel of wrought plate to be assayed, tried, and marked, such prices, sums of money, or rewards, as they shall think fit, so as such prices, sums of money, or rewards do not exceed the sum of one shilling for every pound troy, and so proportionably for every greater or less quantity of plate so assayed and marked.

[XVII.] PROVIDED nevertheless, that if any parcel or single piece of wrought plate shall be brought or sent to the said office to be assayed, which, according to the rate or price herein-before limited, shall not amount to the sum of one shilling, then there shall be paid for assaying and marking such parcel or single piece of wrought plate a sum of money or reward not exceeding one shilling; any thing herein contained to the contrary in any-wise notwithstanding.

1s. may be taken though the plate assayed do not amount to the limited rate.

[XVIII] AND be it further enacted by the authority aforesaid, that the assayers so to be chosen by virtue of this Act as aforesaid shall not discover by description, in words or otherwise, to any person or persons whatsoever, any pattern, design, or invention of any piece of silver plate brought, or to be brought, to the office to be assayed as aforesaid, or permit the same to be viewed or seen by any person whomsoever but the wardens and other persons necessarily employed, or to be employed, in the said office; and also shall keep a book or books, wherein shall be entered the names of every owner of plate brought to be assayed, and the assortment of plate assayed, and an account of the money received for the assaying thereof, and likewise an account of the monies arising from the scrapings and cuttings-off of the said plate so brought to be assayed when the same shall be sold in manner herein-after directed, and also an account of the officers and servants salaries and wages, and other incidental expenses attending the carrying this Act into execution; and that every member of each respective company shall have free access to the said books, and to the inspection thereof.

Assayers not to discover any design, pattern, &c. of plate brought to be assayed;

and shall enter the names of owners in books; and an account of servants salaries, &c.

[XIX.] AND be it further enacted by the authority aforesaid, that the marks belonging to each of the said respective companies shall be locked up in a box with three different locks, and the respective keys thereof shall be kept by two of the wardens and assayer of such respective company, and shall never be taken thereout but in the presence of two of the said wardens and assayer, for the purpose of marking the plate which shall have been assayed and reported standard, and which plate shall be marked in the presence of two of the said wardens and assayer, and the marks immediately after locked up in manner aforesaid: And that if by connivance of the said wardens the assayer shall mark, or suffer to be marked, any plate with the company's mark, any otherwise than in the presence of the two wardens, or if he shall mark any plate that has not been duly assayed and found standard, or if he shall discover, by description, in words or otherwise, to any person or persons whatsoever, any pattern, design, or invention of any piece of silver plate brought to the office to be assayed as aforesaid, or wittingly or willingly permit or suffer the same to be viewed or seen by any person whomsoever but the wardens and other persons necessarily employed in the said office, he

Marks to be locked up in a box with three locks, the keys of which are to be kept by two wardens and an assayer; and all plate marked in their presence.

If the assayer, by connivance of the wardens, mark plate unduly, or discover patterns, &c. he shall forfeit 200l.

shall forfeit and pay the sum of two hundred pounds, to be recovered and disposed of in manner aforesaid, and shall be turned out of his office, and be rendered ever after incapable of exercising the office of an assayer.

Scrapings and cuttings to be weighed four times in every year.

[XX.] AND be it further enacted by the authority aforesaid, that the assayer of each respective company shall, four times in every year, duly weigh, in the presence of the wardens of the said company, all the scrapings and cuttings-off of silver deposited in the assayer's box, after report thereof made as aforesaid, and enter the true weight thereof in a book to be kept for that purpose; and that when the same is so weighed and entered, it shall and may be lawful to and for the said wardens to sell and dispose thereof, and, after entering an account of the produce thereof in the book belonging to such company containing their receipts and payments for and on the account of the assay office, pay and apply the same for and towards such payments.

Diet box to be once in every year opened in the presence of the assayer and the four wardens;

[XXI.] AND be it further enacted by the authority aforesaid, that the diet box belonging to each of the said companies shall, once in every year, be opened in the presence of the assayer and the four wardens belonging to each company, and the diet therein be taken out and carefully packed up in two separate parcels, if of different standards, without opening the papers containing the same, and carefully secured and sealed with the respective seals of the said wardens and assayer, and by them, in each other's presence, delivered to a messenger, to be by him conveyed to his Majesty's mint in the Tower of London, and delivered to the master of the mint, or his deputy, taking a receipt from him who shall so receive it for the same, which receipt the said master, or his deputy, are hereby directed to give; and that the messenger conveying the same shall, at the time of the delivering thereof to the said master, or his deputy, make oath before the said master, or his deputy, (which oath the said master, or his deputy, are hereby authorized and directed to administer,) that he received the box or parcel (as the case may be) from the wardens and assayer of the company so sealed as on the delivery thereof, and that the same had not been opened after he had so received the same.

and diet to be conveyed to the mint.

Master of the mint to prefer a memorial to the lords of the Treasury for trial of the diet by the King's assay-master;

[XXII.] AND be it further enacted by the authority aforesaid, that the master of his Majesty's mint for the time being, or his deputy, shall, within fourteen days next after the said diet shall have been so delivered over to him as aforesaid, prefer a memorial to the lord high treasurer of Great Britain, or lords commissioners of his Majesty's Treasury for the time being, requesting a time to be fixed for the trial of the said diet by the King's assay-master of his Majesty's mint before the lord high treasurer of Great Britain, or lords commissioners of his Majesty's Treasury for the time being, or whom he or they appoint; and that the said master of the mint, or his deputy, shall, by letter, to be sent by the general post, give such assayer whose diet is to be tried notice of the time and place appointed for such trial, that he may be present if he thinks fit; and shall, on that day whereon the lord high treasurer of Great Britain, or lords commissioners of his Majesty's Treasury for the time being shall appoint, and in the presence of him or them, or of such persons to be appointed by him or them, as aforesaid, deliver the said diet so received by him as aforesaid, unopened, to his Majesty's assay-master of the mint aforesaid, who, in the presence of the lord high treasurer of Great Britain, or lords commissioners of his Majesty's Treasury, or of such persons to be appointed as aforesaid, shall duly assay and try the same by the indented pieces herein-

giving notice by post to the assayer to be present.

Trial of the diet by the assay-master.

after directed to be made, in such manner as by the persons then present shall be thought necessary, and make a true report thereof; and if upon such trial the same shall be found agreeable in fineness to the said respective indent trial pieces, or better, that then his said Majesty's assay-master shall return the said diet to or to the order of the wardens and assay-master of the company aforesaid, who are hereby authorised to sell and dispose thereof, and having entered the produce thereof in the book of accounts of the receipts and payments relative to the assay office from whence such diet shall be sent, to pay and apply such produce for and towards the necessary expence of such office.

[XXIII.] PROVIDED always nevertheless, and be it enacted by the authority aforesaid, that if, on the said trial, the said diet shall be found not agreeable in fineness with the said trial pieces, according to the respective standards thereof, but worse, that then and in such case the assayer belonging to that company whose diet shall be so tried shall forfeit and pay the sum of two hundred pounds, to be recovered and disposed of as aforesaid, and shall ever after be rendered incapable of acting as an assayer.

If the diet is not found sufficient in fineness, the assayer shall forfeit 200*l*.

[XXIV.] PROVIDED also, and it is hereby enacted and declared, that in case the said prices, sums of money, or rewards hereby given, granted, or allowed to each company, in each of the said towns respectively, for the assaying and marking wrought plate, shall raise more money than shall be sufficient to defray the necessary expences of the said respective assay offices, then the overplus money (if any) shall be respectively applied by each company, from time to time, in the prosecuting offenders against this Act; and if such prosecutions shall not require the whole of such overplus, that then the said prices, sums of money, or rewards shall afterwards be lessened in proportion by the respective companies aforesaid; and they are hereby required to take so much less for the assaying, trying, and marking wrought plate for the future as will answer the purposes aforesaid only, without bringing any profit to any of the said respective companies, anything herein contained to the contrary thereof in any-wise notwithstanding.

Overplus of money arising to be applied in prosecuting offenders.

[XXV.] AND be it further enacted by the authority aforesaid, that the wardens and assayer of each of the said respective companies shall, from time to time, as occasion shall require, make, or cause to be made, two indented trial pieces, whereof one shall be of the standard of eleven ounces two pennyweight of fine silver, and eighteen pennyweight of alloy in the pound weight troy, and the other of the standard of eleven ounces ten pennyweight of fine silver, and ten pennyweight of alloy in the pound weight troy; and after the said two trial pieces shall be made as aforesaid, they shall be brought to his Majesty's mint in the Tower of London, and there be assayed and tried by his Majesty's assay-master; and when the same shall have been so assayed and tried, and found to be of the respective standards aforesaid, one moiety of each piece shall be delivered back to the assayer who brought the same, and such moieties shall be deposited by him in his office as guides for trying such plate as shall be brought to his office to be assayed, and the other moieties shall remain in his Majesty's mint, in the custody of the master and worker for the time being, thereby to try the diet directed to be assayed by his Majesty's assay-master as aforesaid.

Two indented trial pieces to be made by the wardens and assayer; which shall be tried at the mint by the assay-master,

and one half returned, and the other kept by him.

Sums payable yearly to the master of his Majesty's mint.

[XXVI.] AND it is hereby further enacted by the authority aforesaid, that each of the said respective companies shall, before the assay of their diet, yearly and every year, pay to the master of his Majesty's mint, or his deputy, for the use of his deputy, and to the King's assay-master, the several sums following; (that is to say,) to the master of his Majesty's mint, or his deputy, the sum of three pounds three shillings, and to the King's assay-master the sum of ten pounds ten shillings, by way of recompence for the trouble and expence they will respectively have and incur by means of the trial of the said diet, in manner aforesaid.

Companies to make bye-laws.

[XXVII.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said respective companies, or the major part of them, and they are hereby authorised and impowered, from time to time, to make bye-laws, rules, and orders for the well-government and management of their respective offices, and for fixing the salaries and rewards of their respective officers, and for fixing the time and manner for receiving in and delivering out plate brought to be assayed, and for every other purpose relative to the conduct or management of such office, so as such bye-laws, rules, and orders do not in any respect contradict this Act or the laws of the realm.

Wardens to subscribe the following oath.

[XXVIII.] AND be it further enacted by the authority aforesaid, that each of the wardens of the said companies shall, after his election and before he takes upon him the execution of the said office, take and subscribe the following oath; videlicet,

I A.B. do swear, that I will, so long as I continue a warden, well and faithfully behave myself in the said office; and that I will not discover, by description, in words or otherwise, to any person or persons whatsoever, any pattern, design, or invention of any piece of silver plate brought or to be brought to the office to be assayed, or wittingly or willingly permit the same to be viewed or seen by any person whomsoever but the persons necessarily employed or to be employed in the assay office; and that I will in all things conform to the rules laid down for my conduct in an Act of Parliament passed in the thirteenth year of the reign of King George the Third (intituled An Act for appointing wardens and assay-masters for assaying wrought plate in the towns of Sheffield and Birmingham).

So help me GOD.

Which oath any justice of peace residing in the county where such office is established is hereby required and impowered to administer to such wardens.

Persons recovering judgement against an assay-master, and not being paid the penalty adjudged, may have the assay-master's bond assigned to him.

[XXIX.] AND be it further enacted by the authority aforesaid, that if any person or persons shall at any time hereafter recover judgement in any court of record against any assay-master of either of the companies aforesaid, for any penalty imposed on him by this Act for neglect or fraud in the execution of his office, and such penalty, together with the costs adjudged, shall not be paid within the time prescribed by that court wherein such judgement shall be obtained, that then and in such case it shall and may be lawful to and for the master of his Majesty's mint for the time being, and he is hereby authorised and directed to assign over to such person or persons so recovering such judgement the said bond or obligation so directed to be



entered into by the said assayer and his sureties to the master of his Majesty's Mint as aforesaid, in order to enable such person or persons to bring one or more action or actions thereon against such assayer and his sureties, or either of them, or the heirs, executors or administrators of them, or either of them, for the recovery of such penalty so recovered against the assayer, together with the costs adjudged; in which last-mentioned action or actions it shall be sufficient for the plaintiff to prove the execution of the said bond and of the assignment thereof, and the former judgement recovered against the assayer, in order to intitle such plaintiff to judgement and execution.

[XXX.] PROVIDED always nevertheless, and it is hereby enacted by the authority aforesaid, that if in any action to be brought on the same bond, as last aforesaid, a verdict should be given for the defendant, or the plaintiff be nonsuited, that then the costs of such verdict or nonsuit shall be paid by the assignee of such bond, and the master of his Majesty's Mint be wholly exonerated and discharged therefrom, any law, usage or statute to the contrary in any-wise notwithstanding.

If in any action brought on the bond, verdict be given for the defendant, costs shall be paid by the assignee.

[XXXI.] AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

Publick Act.

#### CHAPTER LIV.

AN ACT for the more effectual Preservation of the Game in that part of Great Britain called Scotland; and for repealing and amending several of the Laws now in being relative thereto. [a]

WHEREAS the laws already made for the preservation of game in that part of Great Britain called Scotland are found by experience to be insufficient for that purpose, without being altered and amended: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person who shall wilfully take, kill, destroy, carry, sell, buy or have in his or her possession or use any muir fowl or tarmargan between the tenth day of December and the twelfth day of August in any year, or any heath fowl between the tenth day of December and the twentieth day of August in any year, or any partridge between the first day of February and the first day of September in any year, or any pheasant between the first day of February and the first day of October in any year, shall, for every bird so taken, killed, destroyed, carried, sold, bought, found or used, forfeit and pay the sum of five pounds sterling; and in case of not paying the sum decreed within the space of ten days after conviction by a final sentence, shall suffer imprisonment for two months for each five pounds sterling thereof.

Preamble.

Personstaking, killing, selling, or buying muir fowl, &c. between Dec. 10 and Aug. 12, &c. shall forfeit for every bird so destroyed, &c., 5l.

[II.] PROVIDED always, that nothing in this Act shall extend to any pheasant or partridge which shall be taken in the seasons allowed by this Act, and kept in any mew or breeding place.

Not to extend to pheasants, &c. taken in the seasons allowed, and kept in breeding places.

[\* So much of this Act as relates to the wilfully taking, killing, destroying, carrying, selling, buying, having or using any partridge before the first day of September in any year, rep., 36 Geo. 3. c. 54. s. 1., which is rep. without a saving, 39 Geo. 3. c. 34. s. 1.]

Any person not qualified to kill game, having game in his custody without leave of persons qualified, to forfeit 20s. for the first, and for every other offence, 40s.

[III.] AND be it further enacted by the authority aforesaid, that every person whatsoever, not qualified to kill game in Scotland, who shall have in his or her custody, or carry, at any time of the year, upon any pretence whatsoever, any hares, partridges, pheasants, muir fowl, tarmargans, heath fowl, snipes or quails, without the leave or order of a person qualified to kill game in Scotland, for carrying such hares or other game, or for having the same in his or her custody, shall for the first offence forfeit and pay the sum of twenty shillings sterling, and for the second and every other subsequent offence the sum of forty shillings sterling; and in case of not paying the sum decreed within the space of ten days after conviction by a final judgement, shall suffer imprisonment for six weeks for the first offence, and for three months for the second and every other subsequent offence.

Penalties for first and subsequent offences on persons making muirburn from April 11 to Nov. 1.

[IV.] AND be it enacted by the authority aforesaid, that every person who shall make muirburn, or set fire to any heath or muir, in that part of Great Britain called Scotland, from the eleventh day of April to the first day of November in any year, shall forfeit and pay the sum of forty shillings sterling for the first offence, five pounds sterling for the second offence, and ten pounds sterling for the third and every other subsequent offence; and in case of not paying the sum decreed within the space of ten days after conviction by a final judgement, shall suffer imprisonment for six weeks for the first offence, two months for the second, and three months for the third and every other subsequent offence.

If any muirburn be discovered within the time forbidden, occupiers of the ground to be liable, unless they shall prove the contrary.

[V.] AND be it further enacted by the authority aforesaid, that the tenant, possessor or occupier of the ground upon which such muirburn shall be made or discovered within the forbidden time aforesaid shall be deemed and taken to be guilty of the offence, and shall be liable to the several penalties aforesaid, unless such tenant, possessor or occupier shall prove to the satisfaction of the court before which he or she shall be prosecuted that such fire was communicated from some neighbouring ground, or was raised upon his or her ground by some other person not in his or her service or family.

Proprietors of wet lands in their own occupation may burn heath between the 11th & 25th April; or may authorise their tenants so to do.

[VI.] PROVIDED always, and be it enacted by the authority aforesaid, that every proprietor of high and wet muir lands, the heath upon which frequently cannot be burnt so early as the eleventh day of April, may, when such lands are in his own occupation, burn the heath upon the same at any time between the eleventh and twenty-fifth day of April in any year, without incurring any of the penalties before mentioned; and when such lands are let, the proprietor or his commissioner or factor may, by a writing under his or their hands, authorise his tenant or tenants in such lands to burn the heath thereon at any time between the eleventh and twenty-fifth day of April in any year, without incurring any of the penalties before mentioned.

Writings authorising tenants to burn heath as aforesaid to be recorded in the sheriff court books.

[VII.] PROVIDED also, that the writing authorising such burning, when the lands are in the occupation of a tenant, shall, previous to such burning, be recorded in the sheriff or stewart court books of the county or stewartry within which the lands are, and which the sheriff or stewart clerk of such county or stewartry is hereby ordered and directed to do, upon receiving payment of the fees usually paid for recording writings.

Offences may be enquired into and determined by justices, &c.

[VIII.] AND be it further enacted by the authority aforesaid, that all offences against this Act shall and may be enquired into and determined, either by the oath or oaths of one or more credible witness or witnesses, or by

the confession or oaths of the parties accused, before any two or more of his Majesty's justices of the peace, or before the sheriff or steward-depute or substitute, of the county where the offence shall be committed, or where the offender shall be found; and that all prosecutions for offences against this Act shall be carried on either at the instance of the fiscal of the court in which the prosecution is brought, or of any other person who will inform or complain.

[IX.] AND be it further enacted by the authority aforesaid, that if any person convicted of any of the offences against this Act shall not pay the penalty or forfeiture decreed against him or her within the space of ten days from and after a final judgement of conviction, it shall and may be lawful for the justices of the peace, sheriff or steward-depute or substitute, before whom the information, complaint or action may have been brought, upon the application of the prosecutor, to grant warrant for levying the penalties or forfeitures by immediate distress and sale of the offender's goods and moveables, together with the costs and charges attending the levying thereof, returning the overplus, if any be, to the owner; or to grant warrant for committing the offender to the common gaol of the county for the time specified in this Act, as satisfaction for the penalty or forfeiture incurred, or until payment: And in case a warrant for levying the penalty by distress and sale of the offender's goods and moveables shall be first applied for and obtained, and that the penalty or forfeiture shall not be recovered in consequence thereof, it shall and may be lawful for the justices of peace, sheriff or steward-depute or substitute, who granted the warrant for levying the penalty or forfeiture by distress and sale of the offender's goods and moveables, upon its being certified to him or them by the officer employed in executing the warrant, either that he has been able to recover no part of the penalty or forfeiture, or that a certain part, to be certified by him, still remains unrecovered, to grant warrant for committing the offender to the common gaol of the county for the time specified in this Act, as satisfaction for the penalty or forfeiture incurred, or until compleat payment shall be made of the penalty or forfeiture incurred and decreed.

Persons convicted to pay the penalties within ten days, or the same may be levied by distress.

In case the penalty cannot be recovered by distress, offenders to be committed.

[X.] AND be it further enacted by the authority aforesaid, that one moiety of the penalties or forfeitures to be incurred for any offence against this Act shall, when recovered, be paid to the prosecutor, and the other moiety shall be applied to the use of the poor of the parish, or to the repairing of the high roads within the parish where the offence shall be committed, as the justices of the peace, or the sheriff or steward-depute or substitute shall direct, before whom the offender shall be convicted.

Penalties and forfeitures how to be applied.

[XI.] PROVIDED always, and be it enacted by the authority aforesaid, that it shall and may be lawful to or for any person conceiving himself or herself aggrieved by any decree of the justices of the peace, or sheriff or steward-depute or substitute, in such prosecutions, to complain and seek relief by appeal to the next circuit court of judicary of the circuit wherein the county is where the decree is pronounced; or where there are no circuit courts, to the Court of Judicary at Edinburgh, by taking and entering an appeal in open court at the time of pronouncing such decree, or at any time thereafter within ten days, by lodging the same in the hands of the clerk of the court, and serving the adverse party with a duplicate thereof personally or at his

Persons thinking themselves aggrieved may appeal to the next circuit court of judicary;

and where there are no circuit courts, to the Court of Judicary at Edinburgh.

dwelling-house, or his procurator or agent in the cause ; and such service shall be sufficient summons to oblige the prosecutor to attend and answer at the next circuit court which shall happen to be held at least fifteen days after service, or at the first court of justiciary which shall be held at Edinburgh, in the case where there are no circuit courts, at least fifteen days after such service ; and thereupon the judge or judges at such circuit court, or in the Court of Justiciary at Edinburgh, shall and may proceed to cognosce, hear and determine : And in case they shall find the reasons of any such appeal not relevant or not instructed, or shall determine against the party appealing, the judge or judges shall condemn the appellant in such costs of suit as shall appear to be just and reasonable, and the decree so pronounced shall be final and conclusive to the parties.

Sentence of said court to be final.

Persons appealing to lodge a bond with the clerk of court for paying the sums appealed against, and for costs, &c.

[XII.] PROVIDED also, and be it enacted by the authority aforesaid, that when an appeal is taken, the appellant, at the time of entering his or her appeal, shall lodge with the clerk of the court from which the appeal is taken a bond, with a sufficient cautioner, for paying the sum or sums contained in the decree appealed against, so far as affirmed and approved of by the judgement upon the appeal, and for paying the costs of suit, if any shall be awarded ; and the clerk of court shall be answerable for the sufficiency of such cautioner.

In case of any difficulty before the circuit court, &c. the proceedings thereupon may be laid before the Justiciary Court at Edinburgh, and be there finally determined.

[XIII.] PROVIDED likewise, and be it enacted by the authority aforesaid, that in case any circuit court shall, on hearing any such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently with justice and the nature of the case ; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the Court of Justiciary at Edinburgh, which is hereby authorised and required to proceed in and determine the same.

Limitation of actions.

[XIV.] PROVIDED always, that no penalty or forfeiture in this Act shall be recovered unless the prosecution for recovering thereof shall be commenced within six months after the offence committed.

No person liable for such offence till after June 24.

[XV.] PROVIDED also, that no person shall be liable to any of the penalties or forfeitures hereby enacted, except for such offence as shall be committed after the twenty-fourth day of June one thousand seven hundred and seventy-three.

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## CHAPTER LIX.

AN ACT for repealing so much of an Act of the thirty-first year of his late Majesty as inflicts capital punishment for Frauds and Abuses in the marking or stamping of Gold or Silver Plate ; and for inflicting another punishment for the said offence. [1]

\* \* \* \* \*

Persons counterfeiting marks, &c.

[II.] AND be it further enacted by the authority aforesaid, that if any person whatsoever, from and after the said twenty-ninth day of September

next, shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark or stamp used or to be used for the marking or stamping gold or silver plate in pursuance of any Act or Acts of Parliament now in force by the company of goldsmiths in London, or by the wardens or assayer or assayers, at York, Exeter, Bristol, Chester, Norwich or Newcastle upon Tyne, or by any maker or worker of gold or silver plate, or any or either of them ; or shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark, stamp or impression in imitation of or to resemble any mark, stamp or impression made or to be made with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass or other base metal silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been or shall be forged or counterfeited at any time either before, on, or after the said twenty-ninth day of September next, in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall sell, exchange, or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed or removed from any other piece of plate, at any time either before, on, or after the said twenty-ninth day of September next, knowing such mark, stamp or impression to be forged, counterfeited or transposed or removed as aforesaid ; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited at any time either before, on, or after the said twenty-ninth day of September next, in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; every person offending in any, each or either of the cases aforesaid, and being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported to some of his Majesty's colonies or plantations in America for the term of fourteen years.

used by the  
company of  
goldsmiths in  
London, &c. ;

or marking  
plate with  
counterfeit  
marks ;

or transposing  
stamps from  
one piece to  
another, and  
exposing such  
to sale ;

or selling, &c.  
plate with  
counterfeit  
marks ;

or possessing  
counterfeit  
marks ;

shall, on con-  
viction, be  
transported to  
America for  
14 years.

## CHAPTER LXIII.

An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe.

Preamble,

**W**HEREAS the several powers and authorities granted by charters to the United Company of Merchants of England trading to the East Indies have been found by experience not to have sufficient force and efficacy to prevent various abuses which have prevailed in the government and administration of the affairs of the said united company, as well at home as in India, to the manifest injury of the publick credit, and of the commercial interests of the said company; and it is therefore become highly expedient that certain further regulations better adapted to their present circumstances and condition should be provided and established: And whereas the electing and chusing of directors of the said united company every year, in such manner as at present prescribed by charter, has not answered the good purposes intended thereby, but on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the court of directors and to produce instability in the councils and measures of the said company: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that at the next ensuing general election of directors of the said united company, instead of an election of twenty-four directors to serve for the space of one year only, there shall be chosen, in such manner and order as the directors of the said united company for the time being shall appoint, six directors expressly for the term of one year, and six other directors for the term of two years, and six other directors for the term of three years, and the remaining six directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new directors and no more shall be chosen from time to time in the place of such directors whose term shall have expired, and who are hereby declared incapable of being then rechosen; and at every subsequent election during the continuance of the charter of the said united company, six new directors shall be chosen and shall continue to be directors for the term of four years and no longer, to be accounted from the day on which the election of such directors was respectively made; and in case the office and authority of any such director shall become void by death, removal or otherwise, another shall be chosen from time to time in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

At the next ensuing general election, instead of 24, there shall be chosen 6 directors for the term of one year; 6 for two years; 6 for three years; 6 for four years; and yearly hereafter, 6 for four years.

All transfers made in a collusive manner, to qualify voters at elections,

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[III.] AND whereas it has been found that the provision made by the charter of the tenth year of the reign of King William the Third, under which persons possessed of five hundred pounds stock are intitled to vote in general courts, has been productive of much inconvenience in the present situation of the company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented

by the provision made by an Act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock ; Be it further enacted, that all transfers of stocks whatsoever made to any person or persons in any fraudulent or collusive manner on purpose to qualify him, her or them to give his, her or their vote or votes at any election of members of the court of directors, or in any general court of the said united company (subject nevertheless to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same), shall be deemed and taken against those persons who transferred the same as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made as aforesaid, freely and absolutely acquitted, exonerated and discharged of and from all manner of trusts, conditions, powers of revocation, provisos of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them ; and that all bonds, covenants, notes collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them or any of them, for the retransferring, redeeming, revoking or defeating such transfer, or for the restoring or retransferring thereof or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them or any of them, shall be null and void to all intents and purposes whatsoever : And that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof at any election of members of the court of directors, or in any general court of the said united company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption or other defeazance whatsoever as aforesaid, shall for every such offence forfeit the sum of one thousand pounds, one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors, to be recovered, together with full costs of suit, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed : And that from and after the first day of October one thousand seven hundred and seventy-three, no member or proprietor of the said united company shall be deemed qualified or capable to vote, or be admitted to give any vote or votes, at any election of directors, or at any general court of the said united company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her or them, after the said first day of October one thousand seven hundred and seventy-three, until he, she or they shall have been possessed of such stock twelve calendar months, in his, her or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estates, or by the custom of the city of London, or by any deed of settlement after the death of any person who shall have been intitled for life to the dividends of such stock, any law, statute or usage to the contrary notwithstanding.

shall be absolute ;

and all bonds, covenants, &c. for retransfer shall be null and void ;

and every person to whom transfers shall have been made, or who shall have voted by virtue thereof at any election, who shall afterwards retransfer the same, in consequence of any trust, &c., shall forfeit for every offence 1,000*l.*, to be recovered, with full costs, at Westminster ;

and after Oct. 1, 1773, no proprietor shall vote at any election of directors in respect of stock amounting to less than 1,000*l.*, nor until he shall have been possessed of such stock 12 calendar months, unless entitled by bequest, &c.

Every proprietor possessed of 3,000*l.* capital stock shall be entitled to two votes at any election; if possessed of 6,000*l.*, to three; if of 10,000*l.*, to four.

[IV.] PROVIDED always, and be it further enacted by the authority aforesaid, that every member or proprietor of the said united company who shall be possessed for the time or term aforesaid in his or her own right of three thousand pounds capital stock of the said company shall be intitled to give two votes at any election of directors, or at any ballot of the said company; and every member or proprietor who shall be possessed for the time or term aforesaid of six thousand pounds in his or her own right shall be intitled to give three votes; and every member or proprietor who shall be possessed for the time or term aforesaid of ten thousand pounds or more shall be intitled to give four votes at such election or ballot; and the oath and affirmation herein-after respectively prescribed shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

Every member shall be deemed qualified to vote at elections, &c. after Oct. 1, 1773, if possessed of 1000*l.* stock from that date.

[V.] PROVIDED always, and it is hereby further enacted, that any member or proprietor of the said united company shall be deemed qualified or capable to vote, and shall be admitted to give his or her vote or votes, at any election of directors, or at any general court of the said united company, that shall be held after the first day of October one thousand seven hundred and seventy-three, in respect of any such stock not amounting to less than one thousand pounds, whereof he or she shall have been possessed from the said first day of October, any thing herein contained to the contrary notwithstanding; and the oath and affirmation herein-after respectively prescribed shall be, as occasion shall require, altered in such manner in respect of the continuance of the possession of such stock as to comprise the time aforesaid.

Upon election of directors, &c. every proprietor shall, before admitted to vote, take the following oath.

[VI.] AND be it further enacted by the authority aforesaid, that from and after the first day of October one thousand seven hundred and seventy-three, upon every election to be made of any member or members of the court of directors, and upon every ballot to be taken at any general court of the said united company, every member or proprietor of the said company shall, before admitted to vote at such election or in such general court, first take the oath hereafter mentioned before two or more of the directors of the said united company, who are hereby empowered to administer such oath; (that is to say,)

**I** A.B. do swear (or being one of the people called Quakers, do solemnly affirm) that the sum of one thousand pounds or more of the capital stock of the United Company of Merchants of England trading to the East Indies, standing in my name, doth at this time belong, and hath for the space of twelve calendar months actually belonged to me in my own right, and not in trust for any person or persons whatsoever; and that I have been in the actual receipt of the dividends and profits thereof for my own use, freed and discharged of all incumbrances which can or may affect the same, for the said space of twelve calendar months; or that the same came to me within the time aforesaid by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the city of London, or by settlement; and that such stock has not been transferred or made to me fraudulently or collusively on purpose to qualify me to give my vote; and that I have not before given my vote on this ballot.

So help me GOD.

Persons committing wilful perjury, or corruptly suborning others so to

And in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the



said oath or affirmation in order to vote, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he, she and they, for every such offence, shall incur such pains and penalties as are in and by two Acts of Parliament, the one made in the fifth year of the late Queen Elizabeth, intituled "An Act for punishing such persons as shall procure or commit " wilful perjury, or suborn or procure any person to commit any wilful or " corrupt perjury;" the other made in the second year of his Majesty King George the Second, intituled "An Act for the more effectual preventing and " further punishment of forgery, perjury and subornation of perjury, and to " make it felony to steal bonds, notes or other securities for payment of " money," directed to be inflicted for offences committed contrary to the said Acts.

do, shall be liable to the penalties in Act 5 Eliz. [c. 9.] and 2 Geo. 2. [c. 25.]

[VII.] AND for the better management of the said united company's affairs in India, be it further enacted by the authority aforesaid, that for the government of the presidency of Fort William in Bengal there shall be appointed a governor-general and four counsellors; and that the whole civil and military government of the said presidency, and also the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar and Orissa shall, during such time as the territorial acquisitions and revenues shall remain in the possession of the said united company, be and are hereby vested in the said governor-general and council of the said presidency of Fort William in Bengal, in like manner to all intents and purposes whatsoever as the same now are or at any time heretofore might have been exercised by the president and council or select committee in the said kingdoms.

A governor-general and four counsellors to be appointed, in whom the whole civil and military government of Bengal, Bahar, and Orissa shall be vested.

[VIII.] AND be it enacted by the authority aforesaid, that in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said governor-general and council shall be bound and concluded by the opinion and decision of the major part of those present: And if it shall happen that, by the death or removal, or by the absence of any of the members of the said council, such governor-general and council shall happen to be equally divided, then and in every such case the said governor-general, or, in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive.

In case of difference of opinion, the decision of the major part to be conclusive; and if votes equal, the governor or eldest counsellor to have a casting voice.

[IX.] AND be it further enacted by the authority aforesaid, that the said governor-general and council, or the major part of them, shall have, and they are hereby authorised to have, power of superintending and controuling the government and management of the presidencies of Madras, Bombay and Bencoolen respectively, so far and in so much as that it shall not be lawful for any president and council of Madrass, Bombay or Bencoolen for the time being to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said governor-general and council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the governor-general and council might arrive, and except in such cases where the said presidents and councils respectively shall have received special orders from the said united company; and any president and council of

Power of the governor-general in council in Madras, Bombay, and Bencoolen.

Madrass, Bombay or Bencoolen who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the said governor-general and council; and every president and council of Madrass, Bombay and Bencoolen for the time being shall and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive touching the premises from the said governor-general and council for the time being, and constantly and diligently to transmit to the said governor-general and council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge relating to the government revenues or interest of the said united company; and the said governor-general and council for the time being shall and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, and constantly and diligently transmit to the said court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues or interest of the said united company; and the court of directors of the said company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of fourteen days after the receiving any such letters or advices, to give in and deliver unto the high treasurer or commissioners of his Majesty's Treasury for the time being a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenues of the said company; and in like manner to give in and deliver to one of his Majesty's principal secretaries of state for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and government of the said company [Rep., 33 Geo. 3. c. 52. s. 146.]; all which copies shall be fairly written, and shall be signed by two or more of the directors of the said company.

Names of the first governor-general and counsellors, who shall continue in office five years after their arrival at Fort William in Bengal.

[X.] AND it is hereby further enacted, that Warren Hastings, Esquire, shall be the first governor-general, and that Lieutenant-General John Clavering, the Honourable George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, shall be the four first counsellors; and they and each of them shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the government of the said presidency, and shall not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors of the said united company for the time being; and in case of the avoidance of the office of such governor-general by death, resignation or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the council who stands next in rank to such governor-general; and in case of the death, removal, resignation or promotion of any of the said council, the directors of the said united company are hereby empowered for and during the remainder of the said term of five years to nominate and appoint, by and with the consent of his Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said council; and until such appointment shall be made, all the powers and authorities vested in the governor-

general and council shall rest and continue in and be exercised and executed by the governor-general and council remaining and surviving ; and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding governor-general and council shall be vested in the directors of the said united company.

[XI.] AND be it further enacted by the authority aforesaid, that the said several provisions relating to the said governor-general and council shall commence and take place from and immediately after the time that publick proclamation shall be made of the arrival of the said governor-general and counsellors herein-before appointed, or any three of them, at Fort William in Bengal, which proclamation the said governor-general and council are hereby required to make.

Time when the provisions relating to the governor and council shall commence.

[XII.] PROVIDED always, that nothing in this Act shall extend or be construed to extend to prevent, controul or restrain the said united company from constituting and appointing such officers, factors or agents as they shall think proper and necessary, by virtue or in pursuance of any powers, rights or privileges granted to them by any former Act or Acts of Parliament, or by any charter or charters, for managing, conducting, and transacting the trade and commerce of the said company at and within the said presidency of Fort William in Bengal.

The company may appoint officers in pursuance of former Acts or charters.

[XIII.] AND whereas his.late Majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby, amongst other things, constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the said united company's respective settlements at Madras-patnam, Bombay on the Island of Bombay, and Fort William in Bengal, which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the company's presidency of Fort William in Bengal, so long as the said company shall continue in the possession of the territorial acquisitions before mentioned, do and must require : Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a chief justice and three other judges, being barristers in England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors ; which said Supreme Court of Judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty and ecclesiastical jurisdiction, and to appoint such clerks and other ministerial officers of the said court, with such reasonable salaries, as shall be approved of by the said governor-general and council ; and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice and the due execution of all or any of the powers which, by the said charter, shall or may be granted and committed to the said court ; and also shall be at all times a court of record, and shall be a court of oyer and terminer and gaol delivery, in and for the

His Majesty may, by charter or letters patent, establish a Supreme Court of Judicature at Fort William, to consist of a chief justice and three other judges.

Madrass, Bombay or Bencoolen who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the governor-general and council; and every president and council of Madras, Bombay and Bencoolen for the time being shall and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive touching the premises from the said governor-general and council for the time being, and constantly and diligently to transmit to the said governor-general and council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge relating to the government, revenues or interest of the said united company; and the said governor-general and council for the time being shall and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, and constantly and diligently transmit to the said court a particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues or interest of the said united company; and the court of directors of the said company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of forty days after the receiving any such letters or advices, to give in and deliver unto the high treasurer or commissioners of his Majesty's Treasury a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenues of the said company; and in like manner to give in and deliver to one of his Majesty's secretaries of state for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs of the government of the said company [Rep., 33 Geo. 3. c. 52. s. 146.]; all which shall be fairly written, and shall be signed by two or more of the directors of the said company.

Names of the first governor-general and counsellors, who shall continue in office five years after their arrival at Fort William in Bengal.

[X.] AND it is hereby further enacted, that Warren Hastings, Esquire, shall be the first governor-general, and that Lieutenant-General John Clive, the Honourable George Monson, Richard Barwell, Esquire, and Philip Basset, Esquire, shall be the four first counsellors; and they and each of them shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, taking upon them the government of the said presidency, and shall be removable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors of the said united company for the time being; and in case of the avoidance of the office of governor-general by death, resignation or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the council who stands next in rank to such governor-general; and in case of the death, removal, resignation or promotion of any of the said council, the directors of the said united company are hereby empowered for and during the remainder of the said term of five years to nominate and appoint, by and with the consent of his Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said council; and until such appointment shall be made, all the powers and authorities vested in the said council shall be exercised by the said directors, and also shall be exercised by the said directors and terminer and

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Bengal.

Such salaries to be in lieu of fees of office, &c.

dwelling-house, or his procurator or agent in the cause; and such service shall be sufficient summons to oblige the prosecutor to attend and answer at the next circuit court which shall happen to be held at least fifteen days after service, or at the first court of justiciary which shall be held at Edinburgh, in the case where there are no circuit courts, at least fifteen days after such service; and thereupon the judge or judges at such circuit court, or in the Court of Justiciary at Edinburgh, shall and may proceed to cognosce, hear and determine: And in case they shall find the reasons of any such appeal not relevant or not instructed, or shall determine against the party appealing, the judge or judges shall condemn the appellant in such costs of suit as shall appear to be just and reasonable, and the decree so pronounced shall be final and conclusive to the parties.

Sentence of said court to be final.

Persons appealing to lodge a bond with the clerk of court for paying the sums appealed against, and for costs, &c.

[XII.] PROVIDED also, and be it enacted by the authority aforesaid, that when an appeal is taken, the appellant, at the time of entering his or her appeal, shall lodge with the clerk of the court from which the appeal is taken a bond, with a sufficient cautioner, for paying the sum or sums contained in the decree appealed against, so far as affirmed and approved of by the judgement upon the appeal, and for paying the costs of suit, if any shall be awarded; and the clerk of court shall be answerable for the sufficiency of such cautioner.

In case of any difficulty before the circuit court, &c. the proceedings thereupon may be laid before the Justiciary Court at Edinburgh, and be there finally determined.

[XIII.] PROVIDED likewise, and be it enacted by the authority aforesaid, that in case any circuit court shall, on hearing any such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently with justice and the nature of the case; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the Court of Justiciary at Edinburgh, which is hereby authorised and required to proceed in and determine the same.

Limitation of actions.

[XIV.] PROVIDED always, that no penalty or forfeiture in this Act shall be recovered unless the prosecution for recovering thereof shall be commenced within six months after the offence committed.

No person liable for such offence till after June 24.

[XV.] PROVIDED also, that no person shall be liable to any of the penalties or forfeitures hereby enacted, except for such offence as shall be committed after the twenty-fourth day of June one thousand seven hundred and seventy-three.

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## CHAPTER LIX.

AN ACT for repealing so much of an Act of the thirty-first year of his late Majesty as inflicts capital punishment for Frauds and Abuses in the marking or stamping of Gold or Silver Plate; and for inflicting another punishment for the said offence. [¶]

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Persons counterfeiting marks, &c.

[II.] AND be it further enacted by the authority aforesaid, that, if any person whatsoever, from and after the said twenty-ninth day of September

[\* Rep., as to England, 7 & 8 Vict. c. 22. s. 1.]

next, shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark or stamp used or to be used for the marking or stamping gold or silver plate in pursuance of any Act or Acts of Parliament now in force by the company of goldsmiths in London, or by the wardens or assayer or assayers, at York, Exeter, Bristol, Chester, Norwich or Newcastle upon Tyne, or by any maker or worker of gold or silver plate, or any or either of them ; or shall cast, forge or counterfeit, or cause or procure to be cast, forged or counterfeited, any mark, stamp or impression in imitation of or to resemble any mark, stamp or impression made or to be made with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold or silver, or any wares of brass or other base metal silvered or gilt over, and resembling plate of gold or silver, with any mark or stamp which hath been or shall be forged or counterfeited at any time either before, on, or after the said twenty-ninth day of September next, in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of such base metal as aforesaid, any mark, stamp or impression made or to be made by or with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; or shall sell, exchange, or expose to sale, or export out of this kingdom, any wrought plate of gold or silver, or any vessel of such base metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression which hath been or shall be transposed or removed from any other piece of plate, at any time either before, on, or after the said twenty-ninth day of September next, knowing such mark, stamp or impression to be forged, counterfeited or transposed or removed as aforesaid ; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited at any time either before, on, or after the said twenty-ninth day of September next, in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London, or by the said wardens or assayer or assayers, or by any maker or worker of gold or silver plate, or any or either of them ; every person offending in any, each or either of the cases aforesaid, and being thereof lawfully convicted, shall, by order of the court before whom such offender shall be convicted, be transported to some of his Majesty's colonies or plantations in America for the term of fourteen years.

used by the  
company of  
goldsmiths in  
London, &c. ;

or marking  
plate with  
counterfeit  
marks ;

or transposing  
stamps from  
one piece to  
another, and  
exposing such  
to sale ;

or selling, &c.  
plate with  
counterfeit  
marks ;

or possessing  
counterfeit  
marks ;

shall, on con-  
viction, be  
transported to  
America for  
14 years.

## CHAPTER LXIII.

An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe.

Preamble.

**W**HEREAS the several powers and authorities granted by charters to the United Company of Merchants of England trading to the East Indies have been found by experience not to have sufficient force and efficacy to prevent various abuses which have prevailed in the government and administration of the affairs of the said united company, as well at home as in India, to the manifest injury of the publick credit, and of the commercial interests of the said company; and it is therefore become highly expedient that certain further regulations better adapted to their present circumstances and condition should be provided and established: And whereas the electing and chusing of directors of the said united company every year, in such manner as at present prescribed by charter, has not answered the good purposes intended thereby, but on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the court of directors and to produce instability in the councils and measures of the said company: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that at the next ensuing general election of directors of the said united company, instead of an election of twenty-four directors to serve for the space of one year only, there shall be chosen, in such manner and order as the directors of the said united company for the time being shall appoint, six directors expressly for the term of one year, and six other directors for the term of two years, and six other directors for the term of three years, and the remaining six directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new directors and no more shall be chosen from time to time in the place of such directors whose term shall have expired, and who are hereby declared incapable of being then rechosen; and at every subsequent election during the continuance of the charter of the said united company, six new directors shall be chosen and shall continue to be directors for the term of four years and no longer, to be accounted from the day on which the election of such directors was respectively made; and in case the office and authority of any such director shall become void by death, removal or otherwise, another shall be chosen from time to time in his place, to serve as a director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

At the next ensuing general election, instead of 24, there shall be chosen 6 directors for the term of one year; 6 for two years; 6 for three years; 6 for four years; and yearly hereafter, 6 for four years.

\* \* \* \* \*

All transfers made in a collusive manner, to qualify voters at elections,

[III.] AND whereas it has been found that the provision made by the charter of the tenth year of the reign of King William the Third, under which persons possessed of five hundred pounds stock are intitled to vote in general courts, has been productive of much inconvenience in the present situation of the company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented



by the provision made by an Act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock ; Be it further enacted, that all transfers of stocks whatsoever made to any person or persons in any fraudulent or collusive manner on purpose to qualify him, her or them to give his, her or their vote or votes at any election of members of the court of directors, or in any general court of the said united company (subject nevertheless to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same), shall be deemed and taken against those persons who transferred the same as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made as aforesaid, freely and absolutely acquitted, exonerated and discharged of and from all manner of trusts, conditions, powers of revocation, provisos of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them ; and that all bonds, covenants, notes collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them or any of them, for the retransferring, redeeming, revoking or defeating such transfer, or for the restoring or retransferring thereof or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them or any of them, shall be null and void to all intents and purposes whatsoever : And that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof at any election of members of the court of directors, or in any general court of the said united company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption or other defeazance whatsoever as aforesaid, shall for every such offence forfeit the sum of one thousand pounds, one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors, to be recovered, together with full costs of suit, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed : And that from and after the first day of October one thousand seven hundred and seventy-three, no member or proprietor of the said united company shall be deemed qualified or capable to vote, or be admitted to give any vote or votes, at any election of directors, or at any general court of the said united company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her or them, after the said first day of October one thousand seven hundred and seventy-three, until he, she or they shall have been possessed of such stock twelve calendar months, in his, her or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estates, or by the custom of the city of London, or by any deed of settlement after the death of any person who shall have been intitled for life to the dividends of such stock, any law, statute or usage to the contrary notwithstanding.

shall be absolute ;

and all bonds, covenants, &c. for retransfer shall be null and void ;

and every person to whom transfers shall have been made, or who shall have voted by virtue thereof at any election, who shall afterwards retransfer the same, in consequence of any trust, &c., shall forfeit for every offence 1,000*l.*, to be recovered, with full costs, at Westminster ;

and after Oct. 1, 1773, no proprietor shall vote at any election of directors in respect of stock amounting to less than 1,000*l.*, nor until he shall have been possessed of such stock 12 calendar months, unless entitled by bequest, &c.

Every proprietor possessed of 3,000*l.* capital stock shall be entitled to two votes at any election; if possessed of 6,000*l.*, to three; if of 10,000*l.*, to four.

Every member shall be deemed qualified to vote at elections, &c. after Oct. 1, 1773, if possessed of 1000*l.* stock from that date.

Upon election of directors, &c. every proprietor shall, before admitted to vote, take the following oath.

[IV.] PROVIDED always, and be it further enacted by the authority aforesaid, that every member or proprietor of the said united company who shall be possessed for the time or term aforesaid in his or her own right of three thousand pounds capital stock of the said company shall be intitled to give two votes at any election of directors, or at any ballot of the said company; and every member or proprietor who shall be possessed for the time or term aforesaid of six thousand pounds in his or her own right shall be intitled to give three votes; and every member or proprietor who shall be possessed for the time or term aforesaid of ten thousand pounds or more shall be intitled to give four votes at such election or ballot; and the oath and affirmation herein-after respectively prescribed shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

[V.] PROVIDED always, and it is hereby further enacted, that any member or proprietor of the said united company shall be deemed qualified or capable to vote, and shall be admitted to give his or her vote or votes, at any election of directors, or at any general court of the said united company, that shall be held after the first day of October one thousand seven hundred and seventy-three, in respect of any such stock not amounting to less than one thousand pounds, whereof he or she shall have been possessed from the said first day of October, any thing herein contained to the contrary notwithstanding; and the oath and affirmation herein-after respectively prescribed shall be, as occasion shall require, altered in such manner in respect of the continuance of the possession of such stock as to comprise the time aforesaid.

[VI.] AND be it further enacted by the authority aforesaid, that from and after the first day of October one thousand seven hundred and seventy-three, upon every election to be made of any member or members of the court of directors, and upon every ballot to be taken at any general court of the said united company, every member or proprietor of the said company shall, before admitted to vote at such election or in such general court, first take the oath hereafter mentioned before two or more of the directors of the said united company, who are hereby impowered to administer such oath; (that is to say,)

I A.B. do swear (or being one of the people called Quakers, do solemnly affirm) that the sum of one thousand pounds or more of the capital stock of the United Company of Merchants of England trading to the East Indies, standing in my name, doth at this time belong, and hath for the space of twelve calendar months actually belonged to me in my own right, and not in trust for any person or persons whatsoever; and that I have been in the actual receipt of the dividends and profits thereof for my own use, freed and discharged of all incumbrances which can or may affect the same, for the said space of twelve calendar months; or that the same came to me within the time aforesaid by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the city of London, or by settlement; and that such stock has not been transferred or made to me fraudulently or collusively on purpose to qualify me to give my vote; and that I have not before given my vote on this ballot.

So help me GOD.

Persons committing wilful perjury, or corruptly suborning others so to

And in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the

said oath or affirmation in order to vote, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he, she and they, for every such offence, shall incur such pains and penalties as are in and by two Acts of Parliament, the one made in the fifth year of the late Queen Elizabeth, intituled "An Act for punishing such persons as shall procure or commit " wilful perjury, or suborn or procure any person to commit any wilful or " corrupt perjury ;" the other made in the second year of his Majesty King George the Second, intituled "An Act for the more effectual preventing and " further punishment of forgery, perjury and subornation of perjury, and to " make it felony to steal bonds, notes or other securities for payment of " money," directed to be inflicted for offences committed contrary to the said Acts.

do, shall be liable to the penalties in Act 5 Eliz. [c. 9.] and 2 Geo. 2. [c. 25.]

[VII.] AND for the better management of the said united company's affairs in India, be it further enacted by the authority aforesaid, that for the government of the presidency of Fort William in Bengal there shall be appointed a governor-general and four counsellors ; and that the whole civil and military government of the said presidency, and also the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar and Orissa shall, during such time as the territorial acquisitions and revenues shall remain in the possession of the said united company, be and are hereby vested in the said governor-general and council of the said presidency of Fort William in Bengal, in like manner to all intents and purposes whatsoever as the same now are or at any time heretofore might have been exercised by the president and council or select committee in the said kingdoms.

A governor-general and four counsellors to be appointed, in whom the whole civil and military government of Bengal, Bahar, and Orissa shall be vested.

[VIII.] AND be it enacted by the authority aforesaid, that in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said governor-general and council shall be bound and concluded by the opinion and decision of the major part of those present: And if it shall happen that, by the death or removal, or by the absence of any of the members of the said council, such governor-general and council shall happen to be equally divided, then and in every such case the said governor-general, or, in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive.

In case of difference of opinion, the decision of the major part to be conclusive; and if votes equal, the governor or eldest counsellor to have a casting voice.

[IX.] AND be it further enacted by the authority aforesaid, that the said governor-general and council, or the major part of them, shall have, and they are hereby authorised to have, power of superintending and controuling the government and management of the presidencies of Madras, Bombay and Bencoolen respectively, so far and in so much as that it shall not be lawful for any president and council of Madrass, Bombay or Bencoolen for the time being to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said governor-general and council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the governor-general and council might arrive, and except in such cases where the said presidents and councils respectively shall have received special orders from the said united company ; and any president and council of

Power of the governor-general in council in Madras, Bombay, and Bencoolen.

Madraas, Bombay or Bencoolen who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the said governor-general and council; and every president and council of Madraas, Bombay and Bencoolen for the time being shall and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive touching the premises from the said governor-general and council for the time being, and constantly and diligently to transmit to the said governor-general and council advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge relating to the government revenues or interest of the said united company; and the said governor-general and council for the time being shall and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, and constantly and diligently transmit to the said court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues or interest of the said united company; and the court of directors of the said company, or their successors, shall, and they are hereby directed and required, from time to time, before the expiration of fourteen days after the receiving any such letters or advices, to give in and deliver unto the high treasurer or commissioners of his Majesty's Treasury for the time being a true and exact copy of such parts of the said letters or advices as shall any way relate to the management of the revenues of the said company; and in like manner to give in and deliver to one of his Majesty's principal secretaries of state for the time being a true and exact copy of all such parts of the said letters or advices as shall any way relate to the civil or military affairs and government of the said company [Rep., 33 Geo. 3. c. 52. s. 146.]; all which copies shall be fairly written, and shall be signed by two or more of the directors of the said company.

Names of the first governor-general and counsellors, who shall continue in office five years after their arrival at Fort William in Bengal.

[X.] AND it is hereby further enacted, that Warren Hastings, Esquire, shall be the first governor-general, and that Lieutenant-General John Clavering, the Honourable George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, shall be the four first counsellors; and they and each of them shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the government of the said presidency, and shall not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors of the said united company for the time being; and in case of the avoidance of the office of such governor-general by death, resignation or removal, his place shall, during the remainder of the term aforesaid, as often as the case shall happen, be supplied by the person of the council who stands next in rank to such governor-general; and in case of the death, removal, resignation or promotion of any of the said council, the directors of the said united company are hereby empowered for and during the remainder of the said term of five years to nominate and appoint, by and with the consent of his Majesty, his heirs and successors, to be signified under his or their sign manual, a person to succeed to the office so become vacant in the said council; and until such appointment shall be made, all the powers and authorities vested in the governor-

general and council shall rest and continue in and be exercised and executed by the governor-general and council remaining and surviving ; and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding governor-general and council shall be vested in the directors of the said united company.

[XI.] AND be it further enacted by the authority aforesaid, that the said several provisions relating to the said governor-general and council shall commence and take place from and immediately after the time that publick proclamation shall be made of the arrival of the said governor-general and counsellors herein-before appointed, or any three of them, at Fort William in Bengal, which proclamation the said governor-general and council are hereby required to make.

Time when the provisions relating to the governor and council shall commence.

[XII.] PROVIDED always, that nothing in this Act shall extend or be construed to extend to prevent, controul or restrain the said united company from constituting and appointing such officers, factors or agents as they shall think proper and necessary, by virtue or in pursuance of any powers, rights or privileges granted to them by any former Act or Acts of Parliament, or by any charter or charters, for managing, conducting, and transacting the trade and commerce of the said company at and within the said presidency of Fort William in Bengal.

The company may appoint officers in pursuance of former Acts or charters.

[XIII.] AND whereas his late Majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby, amongst other things, constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the said united company's respective settlements at Madras-patnam, Bombay on the Island of Bombay, and Fort William in Bengal, which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the company's presidency of Fort William in Bengal, so long as the said company shall continue in the possession of the territorial acquisitions before mentioned, do and must require : Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a chief justice and three other judges, being barristers in England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors ; which said Supreme Court of Judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty and ecclesiastical jurisdiction, and to appoint such clerks and other ministerial officers of the said court, with such reasonable salaries, as shall be approved of by the said governor-general and council ; and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice and the due execution of all or any of the powers which, by the said charter, shall or may be granted and committed to the said court ; and also shall be at all times a court of record, and shall be a court of oyer and terminer and gaol delivery, in and for the

His Majesty may, by charter or letters patent, establish a Supreme Court of Judicature at Fort William, to consist of a chief justice and three other judges.

said town of Calcutta and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

Extent of the jurisdiction and powers of his Majesty's charter;

[XIV.] PROVIDED nevertheless, and be it further enacted by the authority aforesaid, that the said new charter which his Majesty is herein-before empowered to grant, and the jurisdiction, powers, and authorities to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar and Orissa, or any of them, under the protection of the said united company, and the same charter shall be competent and effectual; and the Supreme Court of Judicature therein and thereby to be established shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanours or oppressions, committed or to be committed; and also to entertain, hear and determine any suits or actions whatsoever against any of his Majesty's subjects in Bengal, Bahar and Orissa, and any suit, action or complaint against any person who shall, at the time when such debt or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said united company, or of any of his Majesty's subjects.

and of the Supreme Court of Judicature.

Indictments and informations against governor-general, &c.

[XV.] PROVIDED also, that the said court shall not be competent to hear, try or determine any indictment or information against the said governor-general, or any of the said council for the time being, for any offence (not being treason or felony) which such governor-general or any of the said council shall or may be charged with having committed in Bengal, Bahar and Orissa.

Suits and actions to be determined by the said court.

[XVI.] PROVIDED also and be it enacted, that the said supreme court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees, and where the said inhabitant shall have agreed in the said contract that in case of dispute the matter shall be heard and determined in the said supreme court; and all such suits or actions may be brought in the first instance before the said court or by appeal from the sentence of any of the courts established in the said provinces or any of them.

The governor-general, council, &c. not subject to be arrested or imprisoned.

[XVII.] AND it is hereby further enacted and provided, that nothing in this Act shall extend to subject the person of the governor-general or of any of the said council or chief justice and judges respectively for the time being to be arrested or imprisoned upon any action, suit or proceeding in the said court.

Appeal may be made to his Majesty in council.

[XVIII.] AND be it further enacted by the authority aforesaid, that it shall and may be directed in and by the said new charter which his Majesty is herein-before empowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves aggrieved by any judgement or determination of the said Supreme Court of Judicature to be established as aforesaid, he, she or they shall and may appeal from such judgement or determination to his Majesty in council, his heirs or successors, within such

time, in such manner and in such cases, and on such security as his Majesty in his said charter shall judge proper and reasonable to be appointed and prescribed.

[XIX.] AND be it further enacted by the authority aforesaid, that so much of the said charter granted by his said late Majesty as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal or ecclesiastical jurisdiction thereof, in the said united company's settlement there, or the subordinates thereunto belonging, in case a new charter shall be granted by his Majesty in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication shall cease, determine, and be absolutely void to all intents and purposes; but nevertheless the said charter so granted by his said late Majesty shall in all other respects, and as for and concerning all or any other of the said company's principal presidencies or settlements to which the same relates, or to any factories or places now or hereafter to be subordinate to such principal settlements, continue, be, and remain in full force and virtue according to the true intent and meaning thereof, and that as fully and effectually to all intents and purposes whatsoever as if this Act had never been made, or such new charter as aforesaid should never have been granted.

So much of the charter granted by Geo. 2. (should a new charter be granted) to be repealed;

otherwise to be in full force.

[XX.] AND be it further enacted by the authority aforesaid, that all the records, muniments and proceedings whatsoever of and belonging to the said Mayor's Court at Calcutta aforesaid, or to the courts of oyer and terminer and gaol delivery at Fort William aforesaid, established by the said charter of his said late Majesty, shall, from and immediately after such court of judicature which his Majesty is herein-before empowered to erect shall be established at Fort William as aforesaid, be delivered over, preserved and deposited for safe custody in the said new court of judicature, to which all parties concerned shall and may resort and have recourse upon application to the said court.

All records and muniments belonging to the Mayor's Court at Calcutta, &c. to be delivered to and preserved by the new court.

[XXI.] AND be it further enacted by the authority aforesaid, that during such time as the territorial acquisitions shall remain in the possession of the said company, the court of directors of the said united company shall and they are hereby required to direct and cause to be paid certain and established salaries to the governor-general, and to each of the council of the said united company's presidency of Fort William in Bengal, and to the chief justice and each of the judges of such Supreme Court of Judicature at Fort William, as shall be by the said new charter established; (that is to say,) to the governor-general twenty-five thousand pounds by the year, and to each of the council of the said united company's presidency of Fort William in Bengal ten thousand pounds by the year, and to the chief justice eight thousand pounds by the year, and to each of the judges of the said Supreme Court of Judicature at Fort William six thousand pounds by the year; and that such salaries shall be paid and payable to each and every of them respectively for the time being out of the said territorial acquisitions in the kingdoms of Bengal, Bahar and Orissa.

Salaries established to the governor-general, council, chief justice, and judges.

[XXII.] AND be it further enacted by the authority aforesaid, that . . . all such salaries to such governor-general and council, and of such

Such salaries to be in lieu of fees of office, &c.

chief justice and judges, shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and that no fees of office, perquisites, emoluments] or advantages whatsoever shall be accepted, received or taken by such governor-general and council, or by such chief justice and judges, as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid to them respectively.

The governor-general or council, &c. shall not accept of any present.

[XXIII.] AND be it further enacted by the authority aforesaid, that no governor-general, or any of the council of the said united company's presidency of Fort William in Bengal, or any chief justice, or any of the judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use or on his or their behalf, accept, receive or take, of or from any person or persons, in any manner or on any account whatsoever, any present, gift, donation, gratuity or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward; . . . . .

No person holding a civil or military office under the crown shall accept any donation or gratuity.

[XXIV.] AND be it further enacted by the authority aforesaid, that from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any civil or military office under the crown or the said united company in the East Indies, shall accept, receive or take, directly or indirectly, by himself or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia) any present, gift, donation, gratuity or reward, pecuniary or otherwise, upon any account or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity or reward; . . . . .

Counsellors, physicians, surgeons, and chaplains excepted.

[XXV.] PROVIDED always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to prohibit or prevent any person or persons who shall carry on or exercise the profession of a counsellor at law, a physician or a surgeon, or being a chaplain, from accepting, taking or receiving any fees, gratuities or rewards, in the way of their profession.

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No person to take on loan of monies above the rate of 12 per cent. per annum;

[XXX.] AND be it further enacted by the authority aforesaid, that no subject of his Majesty, his heirs and successors, in the East Indies, shall, upon any contract which shall be made from and after the said first day of August one thousand seven hundred and seventy-four, take, directly or indirectly, for loan of any monies, wares, merchandise or other commodities whatsoever, above the value of twelve pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts and assurances whatsoever made after the time aforesaid for payment of any principal or money to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of twelve pounds in the hundred as aforesaid shall be utterly void; and all and every such person or persons whatsoever who shall, after the time aforesaid, upon any contract to be made after the said first day of August one thousand seven hundred and seventy-four, take, accept and receive by way or means of any corrupt

and bonds, &c. securing a higher rate to be void:

Persons by covin accepting loans, &c. shall forfeit for every offence treble the value;



bargain, loan, exchange, shift or interest of any wares, merchandises or other thing or things whatsoever, or by any deceitful way or mean, or by any covin, engine or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence treble the value of the monies, wares, merchandises and other things so lent, bargained, exchanged or shifted, with costs of suit, one moiety whereof shall be to the said united company, and the other moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort William in Calcutta, or in the Mayor's Court in any other of the said united company's settlements where such offence shall have been committed, by action of debt, bill, plaint or information, in which no essoin, wager of law or protection shall be allowed; and in case no such action, bill, plaint or information shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

one moiety to go to the company and the other to the prosecutor.

[XXXI.] AND be it further enacted, that no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against this Act, for any offence committed, or pretended to be committed, before answer made in the said Supreme Court unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said court, on pain that if any person or persons shall offend in making of any composition or agreement contrary to the true intent and meaning of this Act, or shall by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this Act, make any composition, or take any money, reward or promise of reward, for himself or to the use of any other, without order or consent of the said court, that then he or they so offending, being thereof lawfully convicted, shall for every such offence be liable to be fined and imprisoned at the discretion of the said court.

Persons making compositions contrary to the meaning of the Act,

liable to be imprisoned at the discretion of the court.

\* \* \* \* \*

[XXXIII.] AND be it further enacted by the authority aforesaid, that from and after the said first day of August one thousand seven hundred and seventy-four, if any of his Majesty's subjects in India, employed by or in the actual service of the said united company, shall be charged with and prosecuted for any breach of publick trust, or for embezzlement of publick money or stores, or for defrauding the said united company, every such offender, being convicted thereof in the said Supreme Court of Judicature, or in any court of judicature in any other presidency or settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said united company, at the discretion of the court before which he shall be tried; and immediately after the sentence of such court shall have been executed and inflicted shall and may be sent over to England, by such order, and in such manner, as is herein-before mentioned and directed, unless he shall remove himself within twelve months, and in the meantime give sufficient security so to do.

Servants of the company prosecuted for breaches of trust, on conviction to be fined or imprisoned at the discretion of the court.

Offences to be tried by a jury of British subjects.

[XXXIV.] AND be it further enacted by the authority aforesaid, that all offences and misdemeanours which shall be laid, tried, and enquired of in the said supreme court shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise.

The company may not compound or discharge sentences of the supreme court, &c.

[XXXV.] AND be it further enacted by the authority aforesaid, that after any judgement of the said Supreme Court of Judicature, or of any court of judicature at any of the said united company's settlements, against any of the said united company's servants, civil or military, for any debt or penalty due or belonging to the said united company, shall be made known to the court of directors for the time being of the said united company, it shall not be lawful to release or compound such sentence or judgement, or to release, discharge, or put a stop to any prosecution, suit, or action commenced or to be commenced for carrying on any illicit trade or for any debt or penalty due to the said united company, or to restore any servant or servants whatever of the said company who shall have been removed or dismissed from his or their office or employment for or upon account of any misbehaviour, without the consent of three parts in four of the said court of directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said united company who shall be present and give their votes by ballot, to be taken at a general court to be specially called for that purpose, and of which fourteen days publick notice at the least shall be given before the holding the same, and of the particular occasion for which such general court shall be called.

without consent of 3-4ths of directors and proprietors at special court.

Governor-general and council may make such regulations as may appear just ;

[XXXVI.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor-general and council of the said united company's settlement at Fort William in Bengal from time to time to make and issue such rules, ordinances, and regulations for the good order and civil government of the said united company's settlement at Fort William aforesaid, and other factories and places subordinate or to be subordinate thereto, as shall be deemed just and reasonable (such rules, ordinances, and regulations not being repugnant to the laws of the realm), and to set, impose, inflict, and levy reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations ; but nevertheless the same, or any of them, shall not be valid or of any force or effect until the same shall be duly registered and published in the said Supreme Court of Judicature which shall be by the said new charter established, with the consent and approbation of the said court, which registry shall not be made until the expiration of twenty days after the same shall be openly published, and a copy thereof affixed in some conspicuous part of the court-house or place where the said supreme court shall be held ; and from and immediately after such registry as aforesaid the same shall be good and valid in law : But nevertheless it shall be lawful for any person or persons in India to appeal therefrom to his Majesty, his heirs or successors, in council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal or notice thereof, be lodged in the said new court of judicature within the space of sixty days after the time of the registering and publishing the same ; and it shall be lawful for any person or persons in England to appeal therefrom in like manner within sixty days after the publishing the same in England : And it is hereby

which shall not be valid until duly registered in the supreme court.

Appeals may be made to the King in council, who may repeal such rules.

directed and required, that a copy of all such rules, ordinances and regulations, from time to time, as the same shall be so received, shall be affixed in some conspicuous and publick place in the India House, there to remain and be resorted to as occasion shall require; yet nevertheless such appeal shall not obstruct, impede or hinder the immediate execution of any rule, ordinance or regulation so made and registered as aforesaid until the same shall appear to have been set aside or repealed upon the hearing and determination of such appeal.

A copy of all rules, &c. to be affixed in the India House.

Appeal not to hinder execution of rule, &c.

[XXXVII.] PROVIDED always, and be it enacted by the authority aforesaid, that the said governor-general and council shall, and they are hereby required, from time to time, to transmit copies of all such rules, ordinances and regulations as they shall make and issue to one of his Majesty's principal secretaries of state for the time being, and that it shall and may be lawful to and for his Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said united company, under his or their sign manual, his or their disapprobation and disallowance of all such rules, ordinances and regulations; and that from and immediately after the time that such disapprobation shall be duly registered and published in the said Supreme Court of Judicature at Fort William in Bengal, all such rules, ordinances and regulations shall be null and void; but in case his Majesty, his heirs and successors, shall not, within the space of two years from the making of such rules, ordinances and regulations, signify his or their disapprobation or disallowance thereof as aforesaid, that then, and in that case, all such rules, ordinances and regulations shall be valid and effectual and have full force.

Governor-general and council to transmit copies of their rules to one of the secretaries of state;

which, if his Majesty does not signify his disallowance thereof within 2 years, shall have full force.

[XXXVIII.] AND be it further enacted by the authority aforesaid, that the governor-general and council for the time being of the said united company's settlement at Fort William aforesaid, and the chief justice and other judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as justices of the peace for the said settlement, and for the several settlements and factories subordinate thereto; and to do and transact all matters and things which to the office of a justice or justices of the peace do belong and appertain; and for that purpose the said governor-general and council are hereby authorised and empowered to hold quarter-sessions within the said settlement of Fort William aforesaid four times in every year, and the same shall be at all times a court of record.

Governor-general and council and judges to act as justices of peace,

and hold quarter sessions.

[XXXIX.] AND be it further enacted by the authority aforesaid, that if any governor-general, president, or governor or council of any of the said company's principal or other settlements in India, or the chief justice or any of the judges of the said Supreme Court of Judicature to be by the said new charter established, or of any other court in any of the said united company's settlements, or any other person or persons who now are or heretofore have been employed by or in the service of the said united company in any civil or military station, office or capacity, or who have or claim, or heretofore have had or claimed, any power or authority or jurisdiction by or from the said united company, or any of his Majesty's subjects residing in India, shall commit any offence against this Act, or shall have been or shall be guilty of

If the governor-general, president, &c. commit offences, the same may be tried and determined in the Court of King's Bench.

any crime, misdemeanour or offence committed against any of his Majesty's subjects, or any of the inhabitants of India, within their respective jurisdictions, all such crimes, offences and misdemeanours may be respectively enquired of, heard, tried and determined in his Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India, shall, on conviction, in any such case as is not otherwise specially provided for by this Act, be liable to such fine or corporal punishment as the said court shall think fit; and moreover shall be liable, at the discretion of the said court, to be adjudged to be incapable of serving the said united company in any office, civil or military; and all and every such crimes, offences and misdemeanours as aforesaid may be alledged to be committed, and may be laid, enquired of and tried, in the county of Middlesex.

Manner of  
procedure in  
cases of indict-  
ments and  
informations  
laid in the  
King's Bench.

[XL.] AND whereas the provisions made by former laws for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there: Be it further enacted by the authority aforesaid, that in all cases of indictments or informations laid or exhibited in the said Court of King's Bench for misdemeanours or offences committed in India, it shall and may be lawful for his Majesty's said court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the chief justice and judges of the said Supreme Court of Judicature for the time being, or the judges of the Mayor's Court at Madrass, Bombay or Bencoolen, as the case may require, who are hereby respectively authorised and required accordingly, to hold a court with all convenient speed for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively; and in the mean time to cause such publick notice to be given of the holding the said court, and to issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time as occasion may require; and such examination as aforesaid shall be then and there openly and publickly taken vivâ voce in the said court, upon the respective oaths of witnesses and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the judges of the said court, and one or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come,) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or, if such agent be dead, in what manner the same came into his hands); and that the same has not been opened or altered since he so received it (which said oath such clerk in court is hereby authorised and required to administer): And such deposi-

tions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined *vivâ voce* at any trial for such crimes or misdemeanours as aforesaid in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be intitled to take copies of such depositions at their own costs and charges.

[XLI.] AND be it further enacted by the authority aforesaid, that in case the said chief justice or judges of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice or other crime, offence, or misdemeanour in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said court for such crime, offence or misdemeanour, upon motion to be made in the said court, to award such writ or writs of mandamus as aforesaid, requiring the governor-general and council of the said united company's settlement at Fort William aforesaid, who are hereby respectively authorised and required accordingly, to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are herein-before respectively directed and prescribed concerning the examination of witnesses; and such examination so taken shall be returned and proceeded upon in the same manner in all respects as if the several directions herein-before prescribed and enacted in that behalf were again repeated.

Offences against this Act committed by the chief justices or judges to be determined by the Court of King's Bench.

[XLII.] AND be it further enacted by the authority aforesaid, that in all cases of proceedings in Parliament touching any offences against this Act, or any other offences committed in India, it shall and may be lawful for the lord high chancellor or speaker of the House of Lords, and also for the speaker of the House of Commons for the time being, in like manner to issue his or their warrant or warrants to the governor-general and council of the said united company's presidency of Fort William, and to the chief justice and judges of the said Supreme Court of Judicature, or the judges of the Mayor's Court at Madrass, Bombay or Bencoolen, as the case may require, for the examination of witnesses; and such examination shall be returned to the said lord high chancellor or speaker of the House of Lords, or to the speaker of the House of Commons respectively, and proceeded upon in the same manner in all respects as if the several directions herein-before prescribed and enacted in that behalf were again particularly repeated; and every such examination, returned either to the lord chancellor or speaker of the House of Lords, or to the speaker of the House of Commons as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both houses of Parliament, or either of them respectively, as occasion may require, any law or usage to the contrary notwithstanding.

The chancellor, or speaker of the House of Commons, may issue warrants for the examination of witnesses in India; which shall be deemed competent evidence to both houses of Parliament.

[XLIII.] AND whereas by the usage and custom of Parliament, no proceedings by bill in Parliament have continuance from one session to another: And whereas it would be impracticable that the examination taken upon such warrant as aforesaid could ever be returned within the ordinary length of a session of Parliament: Be it enacted by the authority aforesaid, that from and after the first day of November one thousand seven hundred and seventy-

No proceedings in Parliament

touching of-  
fences in India  
to be discon-  
tinued by  
prorogation or  
dissolution.

three, no proceedings in Parliament touching any offence committed or to be committed in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent session or in a subsequent Parliament, in either house of Parliament, in like manner to all intents and purposes as they might have been in the course of one and the same session, any law, usage or custom to the contrary notwithstanding.

Writs of man-  
damus may be  
awarded by the  
courts at West-  
minster, when  
the company  
commence suits  
in law or  
equity there,  
for examina-  
tion of wit-  
nesses in India.

[XLIV.] AND whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands or suits for which they have cause arising in India against other subjects of his Majesty: Now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said united company, or any person or persons whatsoever, shall commence and prosecute any action or suit in law or equity, for which cause hath arisen or shall hereafter arise in India, against any other person or persons whatever, in any of his Majesty's courts at Westminster, it shall and may be lawful for such court respectively, upon motion there to be made, to provide and award such writ or writs in the nature of a mandamus or commission as aforesaid to the chief justice and judges of the said Supreme Court of Judicature for the time being, or the judges of the Mayor's Court at Madrass, Bombay, or Bencoolen, as the case may require, for the examination of witnesses as aforesaid; and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence, at any trial or hearing between the parties in such cause or action, in the same manner in all respects as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

No depositions  
returned to be  
allowed as evi-  
dence in capital  
cases not  
proceeded  
against in  
Parliament.

[XLV.] PROVIDED nevertheless, and be it enacted, that no such depositions taken and returned as aforesaid by virtue of this Act shall be allowed or permitted to be given in evidence in any capital cases other than such as shall be proceeded against in Parliament, anything in this Act contained to the contrary notwithstanding.

The privileges  
of the company  
not hereby  
varied shall  
remain in force.

[XLVI.] AND be it further enacted by the authority aforesaid, that all and every the rights, interests, powers, privileges and authorities which are now vested in the said United Company of Merchants trading to the East Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to and continue in the said company in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

Publick Act.

[XLVII.] AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act; of which notice shall be judicially taken by all judges, justices and other persons whatsoever, without specially pleading the same.

## CHAPTER LXXXI.

AN ACT for the better Cultivation, Improvement, and Regulation of the Common Arable Fields, Wastes, and Commons of Pasture in this Kingdom.

**W**HEREAS there are in several parishes and places in this kingdom several wastes and commons, and several open and common fields, which, by reason of the different interests the several land owners and occupiers, or persons having right of common, have in such wastes, commons and fields, cannot be improved, cultivated or enjoyed to such great advantage for the owners and occupiers thereof, and persons having right of common, as they might be and are capable of if an improved course of husbandry was to be pursued respecting such open and common fields in each parish respectively, and such wastes or commons of pasture were to be properly drained or otherwise amended: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every parish or place in this kingdom where there are open or common field lands, all the tillage or arable lands lying in the said open or common fields shall be ordered, fenced, cultivated and improved in such manner by the respective occupiers thereof, and shall be kept, ordered and continued in such course of husbandry, and be cultivated under such rules, regulations and restrictions, as three-fourths in number and value of the occupiers of such open or common field lands in each parish or place, cultivating and taking the crops of the same, and having the consent of the owners in manner hereinafter mentioned, and likewise the consent of the rector, impropiator or tithe owner, or the lessee of either of them respectively, first had in writing, shall, at a meeting (in pursuance of notice for that purpose, in writing under the hands of one-third of such occupiers, to be affixed on one of the principal doors of the parish church, chapel or place where meetings have been usually held for such parish or place respectively, twenty-one days at least before such meeting, specifying the time and place of such meeting), by writing under their hands, constitute, direct and appoint, and which notice any of such occupiers are hereby authorised and empowered to give.

How open  
arable lands  
shall be fenced,  
&c.

[II.] PROVIDED always, that the rules, regulations and restrictions so agreed upon shall not be in force or binding upon any of the parties thereto for any longer term than six years, or two rounds, according to the ancient and established course of each parish or place respectively.

Rules not to be  
longer binding  
than 6 years.

[III.] AND be it further enacted by the authority aforesaid, that at every such meeting to be had as aforesaid it shall and may be lawful to and for the major part in number and value of the occupiers (then present) of such open or common field lands, in each parish or place respectively, to elect and chuse one or more proper person or persons as field master or field reeve, field masters or field reeves, to superintend the ordering, fencing, cultivating and improving of such open and common fields, and to see that the same are kept, ordered and continued in such a course of husbandry as shall be constituted, directed and appointed at such meeting in manner aforesaid; and that such

Field master  
how to be  
appointed.

field master or field reeve so to be elected and chosen as aforesaid shall continue in the said office until the twenty-first day of May then next following, or within three days after, and no longer, unless he or they shall be thereto re-elected and chosen in manner herein-after directed.

Expences how  
to be defrayed.

[IV.] AND be it further enacted by the authority aforesaid, that all costs, charges and expences necessary for the carrying on any such plan of ordering, fencing, cultivating, or improving into execution as shall be agreed upon in manner aforesaid, and which shall, at any meeting to be held after six days notice having been given in manner herein-before directed, by the major part in number and value of the occupiers aforesaid then present, be deemed common expences, and for the general benefit of the said occupiers, shall be borne, paid and defrayed proportionably by all the occupiers of such open and common field lands, according to the value of the lands and grounds each person or persons shall have in such open and common field lands; and for the raising the same, one or more assessment or assessments upon all and every the occupiers of common field lands in each parish respectively shall be made, levied and collected by such person and persons, and allowed in such manner, as such majority of the occupiers of such open and common field lands, at such meeting to be had as aforesaid, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of such majority of the occupiers of such common field lands, for and towards the better cultivation of the said common field lands, from time to time, as need shall require; and the said assessments shall, by virtue of a warrant under the hand and seal of one justice of peace of the county wherein such common field lands shall lie, be levied by distress and sale of the goods and chattels of every person so assessed and not paying the same within ten days after demand, rendering the overplus of the value of the goods so distrained (if any) to the owner or owners of such goods and chattels, after deducting the costs and charges of taking and making such distress and sale.

Occupiers of  
common field  
lands in every  
parish to  
assemble and  
elect field  
reeves.

[V.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the occupiers of open and common field lands in any parish or place where any rules, orders or regulations shall have been agreed upon for the ordering, fencing, cultivating or improving of such lands, in pursuance of this Act, and they are hereby required, to meet and assemble at some convenient place, yearly and every year, on the twenty-first day of May, or within three days after, in pursuance of six days notice to be given of the time and place of such meeting by one-third of the occupiers in manner aforesaid, then and there to elect and chuse one or more proper person or persons to be the field master or field reeve, field masters or field reeves, for the year ensuing; and that such person or persons who shall, by the major part of the occupiers of the said lands present at such meeting, be chosen field master or field reeve, field masters or field reeves, to superintend the ordering, fencing, cultivating and improving of the said common field lands, and to see that the same are cultivated according to the rules, orders and regulations agreed upon at the general meeting for that purpose, and shall continue in the said office for one whole year, unless he shall die, or be removed by virtue of the power and authority herein-after given in that behalf.



[VI.] PROVIDED always, and be it enacted by the authority aforesaid, that if any field master or field reeve so to be chosen in pursuance of this Act shall, within the year in which he shall be so chosen, refuse or neglect to attend the said business, or shall die, or remove to an inconvenient distance, or become bankrupt, or have execution against his body or goods, or by sickness or otherwise be rendered incapable of executing his said office, that then, and in either of the said cases, it shall and may be lawful to and for the occupiers of the said lands (after six days notice for that purpose to be given in manner aforesaid) to elect and chuse in manner aforesaid one other fit and proper person to be the field master or field reeve for the remainder of that year, in the place and stead of the former field master or field reeve falling under either of the descriptions aforesaid.

New field reeves to be appointed in place of those who shall die or refuse to attend, &c.

[VII.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for three-fourths in number and value of the occupiers of open and common field lands present at any meeting to be held in pursuance of fourteen days notice at least previous to the usual time of opening such common field lands to be given for that purpose in manner aforesaid, to postpone the opening such common field lands for such reasonable time as at such meeting shall be thought necessary by such majority as aforesaid, and to settle and determine how long such common fields shall continue open, and to limit and settle the number of cattle each occupier in such parish or place shall respectively turn on such common fields, in due proportion to the stint or established usage in such parish or place.

Occupiers at meetings to settle the time of opening common field lands, &c.

[VIII.] PROVIDED always nevertheless, and be it enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to exclude any cottager, or other person or persons whomsoever, having right of common, and having no land in any of the said common fields, from having and enjoying his or their right of common in as full and ample manner as he could and might have enjoyed the same before the passing of this Act, unless such cottager or other person shall, at any meeting to be held by the occupiers of such common field lands, in manner aforesaid, consent or agree in writing to a composition for such right by an annual payment, or other annual advantage or compensation, or to a limitation thereof; in which case such consent and agreement shall be binding and conclusive upon every such person so agreeing, his heirs and assigns, tenants and occupiers, until such time as the rules, orders and regulations for the ordering, fencing, cultivating and improving of the said common field lands existing at the time of giving such consent shall expire.

Cottagers &c. not to be excluded from right of common.

[IX.] PROVIDED always nevertheless, and be it further enacted by the authority aforesaid, that if the occupiers of the said common field lands shall, at times when the said fields have been usually enjoyed in common, consent and agree not to depasture the same in common, and shall allot and set apart what shall be deemed by a majority of such cottagers who shall not have agreed to compound for or limit their right of common as aforesaid a sufficient and equivalent common for such cottagers and other persons as aforesaid, to be enjoyed exclusively by them, that then and in such case such cottagers and other persons shall not use, exercise or enjoy their right of common over such parts of the said common field lands as are not used in common by the occupiers thereof, but only over such part thereof as shall for such time be

Part of common field lands may be allotted to cottagers, &c. having right of common, and residue enjoyed in severalty.

allotted them for that purpose and set apart as aforesaid, any law, usage or statute to the contrary notwithstanding.

Saving of right  
to persons  
possessed of  
separate sheep  
walks, &c.

[X.] PROVIDED always, and be it enacted by the authority aforesaid, that nothing herein contained shall exclude any person or persons seized or possessed of a separate sheep walk or pasture of cattle in or over all or any of the common field lands in any parish or place, or in or over any part thereof, from using, exercising and enjoying such right in as full and ample manner, to all intents and purposes, as he might or could have enjoyed the same before the passing this Act, unless such person or persons having such right as aforesaid shall consent or agree in writing at any meeting of occupiers, to be held as aforesaid, to a composition for the same or a limitation thereof, in which case every such consent and agreement shall be binding and conclusive upon every person so agreeing, and upon every other person coming to the possession of such sheep walk or pasture for cattle by descent or otherwise, until such time as the rules, orders and regulations for the cultivation of the said common field lands existing at the time of entering into such agreement shall expire.

Balks, slades,  
&c., with con-  
sent of the lords  
of manors,  
&c., may be  
ploughed.

[XI.] AND whereas balks, slades or meers which may be waste, do often lie very inconveniently interspersed amongst the arable lands in common fields, be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any person or persons whomsoever having land in any open or common fields adjoining to any such balks, slades or meers, being waste, with the consent of the lord or lords, lady or ladies of the respective manors wherein such balks, slades or meers do lie, and likewise of the person or persons who may have a separate sheep walk in the said fields, and with the consent of three-fourths in number and value of the occupiers of such common field lands, to be signified at any meeting to be held in manner aforesaid, to plow up any of the said balks, slades or meers and convert the same into tillage under the regulations to be settled as aforesaid.

Balks, &c.  
used as roads  
not to be  
ploughed.

[XII.] PROVIDED always nevertheless, and be it enacted, that no balk or meer that has heretofore been used as a publick road, or as a private road by any person or persons to or from his or their own house or lands, be so plowed up.

Persons having  
licence to  
plough balks,  
&c., to lay  
down other  
land as common  
land.

[XIII.] PROVIDED also, and be it further enacted by the authority aforesaid, that all and every person and persons who shall have licence in manner aforesaid to plow up and convert into tillage any balk, slade, or meer shall, before he or they begin to plow up the same, lay down in an husband-like manner, under the direction of the field master or field reeve for the time being, in a more convenient part of the said field, as much of his or their own land as shall be equal in value to the land he or they shall so have licence to plow as aforesaid, and that such land so laid down shall be common land, and so continue until the regulations then existing for cultivating such common field lands shall expire.

Boundary  
stones to  
be erected to  
mark balks,  
&c. ploughed,  
and land laid  
down.

[XIV.] PROVIDED also, and be it further enacted by the authority aforesaid, that the person or persons plowing any such balk, slade or meer shall, by proper bound stones, sufficiently mark and distinguish the several lands plowed, and the several lands laid down in lieu thereof, so that the property thereof, and each person's right therein, may be clearly known and ascertained.

[XV.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the lord or lords, lady or ladies of any manor, with the consent of three-fourths of the persons having right of common upon the wastes and commons within his, her or their manor, at a meeting to be held after fourteen days notice, such notice to be given in manner herein-before directed by the lord or lords, lady or ladies of the manor, or their agent respectively, at any time or times to demise or lease for any term or number of years not exceeding four years any part of such wastes and commons, not exceeding a twelfth part thereof, for the best and most improved yearly rent that can by publick auction be got for the same; and that the clear net rents reserved to the lord or lords, lady or ladies, his, her or their heirs, executors, administrators or assigns, by any lease or leases to be granted as aforesaid, shall be by him, her or them, and the major part of his, her or their tenants, applied in the draining, fencing or otherwise improving of the residue of such wastes and commons.

Lords of manors, &c., with consent of three-fourths of persons having right of common, may lease for 4 years a twelfth part of wastes.

The net rents to be applied for improving the residue of such wastes.

[XVI.] PROVIDED always nevertheless, and be it enacted by the authority aforesaid, that in every manor where there are stinted commons, in lieu of demising or leasing part thereof, one or more assessment or assessments upon the lord or lords, lady or ladies of such manor, and the persons being owners or occupiers of such commons, or their agents or managers, shall or may, at their option, be made, levied and collected by such person and persons, and allowed in such manner, as the lord or lords, lady or ladies of such manor, and the major part in number and value of the owners or occupiers of such commons present at a meeting to be held within the said manor, in pursuance of fourteen days notice to be given by the lord or lords, lady or ladies, or his, her or their agent, in manner aforesaid, of the time and place of meeting for that purpose, shall direct and appoint in that behalf; and the money thereby raised shall be employed and accounted for, according to the orders and directions of the said lord or lords, lady or ladies, and such majority of the owners or occupiers as aforesaid, in the improvement of such commons, from time to time as need shall require; and the said assessments shall, by virtue of a warrant under the hand and seal of one justice of the peace, be levied by distress and sale of the goods and chattels of every person so assessed, and not paying the same within ten days after being demanded, rendering the overplus of the value of the goods so distrained (if any) to the owner and owners thereof, the necessary charges of making such distress and sale being first deducted.

Assessments to be levied for the improving of wastes where there are stinted commons.

[XVII.] AND whereas there are in many parts of this kingdom certain stinted commons of pasture which are never enjoyed in severalty, but which are at certain times shut up for the better growth of the pasture, and opened on certain fixed days, from which, in particular circumstances and seasons, great inconveniencies do and may arise: Be it enacted by the authority aforesaid, that it shall and may be lawful for the major part in number and value of the owners and occupiers of such common pastures present at a meeting to be held after six days notice at least given in manner herein-before directed, with the consent of the lord or lords, lady or ladies, of the manor, or his, her or their steward or agent, to postpone the opening of the said common pastures for a time not exceeding twenty-one days.

Owners, &c. at meetings may postpone opening of stinted commons.

Two-thirds of commoners, with consent of the lord of the manor, &c., may direct the opening and shutting of stinted commons, &c.

[XVIII.] AND whereas there are in many places common pastures, with stinted or limited rights of common therein, which are open the whole year, and it would be attended with great advantages to the commoners to shut up and unstock the same at particular seasons: Be it enacted by the authority aforesaid, that it shall and may be lawful to and for two-thirds in number and value of such commoners, at a meeting to be holden after fourteen days notice given in manner herein-before directed, with the consent of the lord or lords, lady or ladies of the manor or manors in which such commons are situated, his, her, or their steward or stewards, agent or agents, to direct, order and fix the time when such common pastures shall be broke or depastured, and when the same shall be shut up and unstocked, such orders to continue in force for one whole year, and no longer.

Proviso respecting persons not consenting to the above regulations.

[XIX.] PROVIDED nevertheless, that a portion of such common pastures shall be separated and set apart for the use of such commoners exclusively as shall not consent to such regulation, and the portion so set apart shall be adjudged by a majority of such commoners not consenting as aforesaid an equivalent for their rights of common.

Persons having right of common in stinted commons may depasture with sheep instead of other cattle.

[XX.] AND whereas many stinted common pastures in this kingdom are fed and depastured by horses, beasts or neat cattle, and in many instances it would tend to the improvement of such common pastures, and to the better manuring and cultivation of the arable lands in common fields, or otherwise, to which such common pastures may belong, if the same were fed with sheep: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the major part in number and value of the persons having right of common in such common pastures, at any meeting to be held in pursuance of notice in writing under the hands of a major part of such owners and occupiers of such common pastures, or persons having right of common therein, to be affixed on the principal door of the parish church of the parish where such common pastures shall lie, or of the nearest parish church where such lands shall lie in an extraparochial place, ten days at least previous to such meeting, specifying the time and place and intent of such meeting, by writing under their hands, to alter and change the manner and custom of feeding and depasturing such common pastures, so far as, instead of horses, cows and other cattle, to allow the same to be fed and depastured with sheep, at the option of each person respectively having right of common, and to limit and stint the number of sheep each such person having right of common in such common pastures shall respectively feed and depasture thereon, in due proportion to their respective stints or rights.

Rams not to remain upon wastes between Aug. 25 and Nov. 25.

[XXI.] AND whereas the improvement of the breed of sheep is a matter of great national importance, and the turning of rams upon wastes and open common fields at certain times of the year has been found to be very prejudicial: Be it therefore enacted by the authority aforesaid, that no ram shall be turned upon or be suffered to remain upon any wastes or common fields between the twenty-fifth day of August and the twenty-fifth day of November in every year.

Agreements under this Act may be signed on behalf of owners under disability, &c.,

[XXII.] AND whereas several of the owners and proprietors of wastes, commons, and common field lands may, at the time of any meeting to be held in pursuance of this Act, be incapable, through various impediments, of entering into any of the agreements hereby authorised to be made for the

better ordering, fencing, cultivating and improving of common arable fields, wastes and commons of pasture in this kingdom, without the aid and authority of Parliament: Be it therefore further enacted, that it shall and may be lawful to and for the husbands, guardians, trustees, committees or known agent or receiver of any owner and proprietor of wastes, commons and common field lands, and of any person having a right or interest therein, being under coverture, minors, lunaticks or beyond the seas, and for every or any of them for the time being, and also to and for all and every or any of the said owners and occupiers, being tenants in tail, tenants by the courtesy of England, or tenants for life only, and to and for every or any of them respectively for the time being, to enter into and sign any agreement to be made in pursuance of this Act.

[XXIII.] PROVIDED also, and be it further enacted by the authority aforesaid, that no rector or tithe owner, in right of his rectory, vicarage, or curacy, or the lessee of either of them respectively, who shall agree for or lett his tithes of the said common field lands during the said term of six years, or any part thereof, shall receive any fine, foregift, gratuity or compensation whatever, other than by equal half-yearly or yearly payments.

Tithes of commons during the 6 years to be let only for half-yearly or yearly payments.

[XXIV.] AND be it further enacted, that every agreement so entered into in pursuance of this Act shall be good, valid and effectual in the law for the purposes thereby intended, notwithstanding the want of legal title in the said owner or owners, or in the said husbands, guardians, trustees, committees, agents, or receivers, or in the persons acting as such, or in the said tenants in tail, tenants by the courtesy of England, or tenants for life only, any settlement or settlements, will or wills, to the contrary in anywise notwithstanding.

All agreements made to be valid in law.

[XXV.] PROVIDED always, and be it enacted by the authority aforesaid, that no consent of any occupier of lands in such common arable fields, or of a separate sheep walk therein, to any such first agreement for the ordering, fencing, cultivating and improving of such common fields, to be made by the authority of or in pursuance of this Act, shall be good and valid unless such occupier shall, at the time of entering into such agreement, produce a written authority for that purpose, under the hand of the owner or proprietor, guardian or trustee, or in case of such owner not being a minor, and being in parts beyond the seas, of the known agent of such owner.

Consent of occupier not to be valid without a written authority under the hand of the owner, &c.

[XXVI.] AND be it further enacted by the authority aforesaid, that if any owner or occupier of any common field lands, or of any part thereof, for the better cultivation whereof any rules and regulations shall have been agreed upon in pursuance of the powers and authorities given by this Act, shall not conform to such rules and regulations, or shall wilfully deviate therefrom in any respect whatsoever, that then and in such case it shall and may be lawful to and for any owner or owners, or occupier or occupiers, of any part of such common field lands, who may have been damnified by a breach of the regulations aforesaid, to bring one or more action or actions of trespass, or upon the case, in any of his Majesty's courts of record at Westminster against the person or persons so offending; and if in any such action so to be brought as aforesaid a verdict shall be given for the plaintiff, or he shall recover judgement by default, that then and in such case the party or parties so offending shall answer to the party grieved all such damages as shall be

Actions may be brought at Westminster.

recovered in such action, together with double costs of suit. [Rep., Stat. Law Rev. Act, 1861.]

No person to be prevented from inclosing his lands for his own use.

Saving all rights to his Majesty, lords of manors, &c.

[XXVII.] PROVIDED that nothing in this Act contained shall prevent or extend to prevent any person or persons from inclosing all or any part or parts of his, her or their land to and for his, her or their own use or benefit, such person or persons having full power or right so to do.

[XXVIII.] SAVING always to the King's most excellent Majesty, his heirs and successors, and to all and every lord or lords, lady or ladies of any manor or manors, and to all and every other person and persons, bodies politick or corporate, his, her and their heirs, successors, executors and administrators, (other than and except the respective persons, their heirs, successors, executors and administrators, who may in consequence of this Act being duly carried into execution become subject to the provisions and regulations thereby authorised to be made,) all such estate, interest and rights as they, every or any of them, had or enjoyed in and over the said common arable fields, wastes and commons of pasture before the passing of this Act, or could or might have had and enjoyed in case the same had not been made.

#### CHAPTER LXXXII.

AN ACT for the better regulation of Lying-in Hospitals, and other Places appropriated for the charitable Reception of pregnant Women; and also to provide for the Settlement of Bastard Children born in such Hospitals and Places.

Preamble.

WHEREAS through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit every due support and encouragement; but some inconveniencies having been found to arise from the number of bastard children born in such hospitals and places, which have become heavy burdens, and have occasioned unreasonable charges upon those parishes wherein such hospitals and places have been instituted, to their great and unjust oppression: And whereas it would tend as well to promote the interest of such hospitals and places as to give a seasonable relief to such parishes if a law was made to regulate the settlement of such bastard children: May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of November one thousand seven hundred and seventy-three no hospital or place shall be established, used or appropriated, or continue to be used or appropriated, for the publick reception of pregnant women under publick or private support, regulation and management, in any parish within that part of Great Britain called England, unless a licence shall be first had and obtained, in manner hereafter mentioned, from the justices of the peace, at some one of their general quarter sessions to be held for the county, riding, division, city or corporation wherein such hospital or place shall be situated, and such justices are hereby authorised and required to grant such licence to any person or persons who shall apply for the same, such person or persons

After Nov. 1, 1773, no hospital to be established for the reception of pregnant women unless a licence be obtained;

which licence the justices, at their quarter

paying the sum of forty shillings for every such licence to the clerk of the peace of such county, riding or division, or to the town clerk of such city or corporation, as a perquisite for his trouble, and as a fund to defray the expence of the stamp and parchment that shall be used for the grant of such licence.

sessions, are empowered to grant.

[II.] AND be it further enacted, that every such licence shall be written on parchment, and stampd with a five shilling stamp, and a copy thereof shall be entered in a book to be kept for that purpose by such clerk of the peace or town clerk, and preserved as a publick register amongst the records of the county, riding, division or of such city or corporation, as the case may be, to be inspected by any person or persons on payment of one shilling; and every such licence shall be signed by two or more such justices of the peace at their general quarter sessions, and shall intitle the person or persons to whom such licence shall be granted to keep one hospital, house or place, and no more, for the publick or charitable reception of pregnant women.

Every licence to be stamped with a 5s. stamp, and signed by the justices.

[III.] AND be it further enacted, that as well all hospitals, houses and places already established, used or appropriated for the publick reception of pregnant women, and supported by charitable contributions, or otherwise, for the purposes of the delivery or lying-in of such pregnant women, as all other hospitals, houses or places that may hereafter be established, used and appropriated in like manner for the like purposes, shall be deemed and taken to be hospitals and places within the true intent and meaning of this Act.

Hospitals now or hereafter to be established for the reception of pregnant women deemed within the intent of this Act.

[IV.] AND that it may be the more easily known what hospitals, houses or places shall have been licensed pursuant to this Act, be it enacted, that there shall be fixed and kept up over the door or publick entrance of every such hospital, house or place an inscription, in large letters, in the following words; videlicet, LICENSED FOR THE PUBLICK RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD; and the affixing and keeping such inscription shall be a condition in every such licence; and in case such inscription shall not be fixed and kept over the door or publick entrance of such hospital, house or place, such licence shall become null and void.

Inscription to be affixed over the door of all hospitals.

[V.] AND be it further enacted by the authority aforesaid, that no bastard child or children born in any such hospital, house or place as aforesaid shall be legally settled in or shall be intitled to any relief as a parishioner from the parish wherein such hospital, house or place shall be situated, but every such child or children shall follow the mother's settlement, and shall immediately gain a settlement in the parish or parishes respectively where his, her or their mother or mothers were last legally settled, any law, statute, usage or custom to the contrary thereof in any-wise notwithstanding.

Bastard child born in hospital to gain a settlement in mother's parish.

[VI.] AND be it further enacted by the authority aforesaid, that in case it shall become necessary to remove the mother of the child so born a bastard, and the child so born a bastard, or either of them, from the parish or place in which such hospital, house or place shall be situated to the parish or place to which such woman shall belong, or where she shall have obtained her last legal settlement, such parish or place, being within twenty miles of such hospital, house or place to which she shall be so removed, shall be chargeable with and liable to the payment of all charges and expences incident to or attending such removals, such charges and expences to be allowed and settled by any justice or justices of the peace (who is and are hereby required to

On removal of mother or child, churchwardens of mother's parish, being within 20 miles, to pay expences;

to be levied by  
distress.

allow and settle the same) in and for the county, riding, division, city, corporation or place in which the parish or place shall be situated to which such mother and child, or either of them, shall be removed as aforesaid; and if such charges and expences, after being allowed and settled as aforesaid, and demand thereof made in writing, directed to the churchwardens or overseers of the poor of the parish to which such mother and child, or either of them, shall be removed as aforesaid, shall not be paid within two days after such demand, then and in every such case it shall and may be lawful to and for any one or more of his Majesty's justices of the peace in and for the county, riding, division, city, corporation or place in which the parish shall be situated to which such mother and child, or either of them, shall be removed, and he or they is and are hereby required, by warrant under his or their hand and seal or hands and seals, to levy the same by distress and sale of the goods and chattels of the churchwardens or overseers of the poor making such refusal as aforesaid, or on the goods and chattels of any or either of them.

Appeal may be  
made to  
quarter ses-  
sions by persons  
aggrieved,

giving 14 days  
notice,

and entering  
into recogni-  
zance.

[VII.] PROVIDED always, and be it further enacted, that if any person or persons shall think himself or themselves aggrieved by such removal or distress had or made in pursuance of this Act, every such person may appeal to the quarter session of the peace to be holden for the county, riding, division, city, corporation or place wherein he shall have suffered such grievance, within four months after the fact done by which he shall think himself so aggrieved, such appellant first giving or causing to be given fourteen days notice at the least in writing of the intention to bring such appeal, and of the matter thereof, to the party or parties against whom such appeal is intended to be brought, and within two days next after such notice given entering into recognizance with two sufficient sureties conditioned to try such appeal, and to abide the order of and to pay such costs as shall be awarded by the justices at such quarter sessions; and the said justices shall then hear and determine the causes and matters of appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper, and the determination of such justices so made shall be final, binding and conclusive, to all intents and purposes whatsoever.

\* \* \* \* \*

Proviso.

[IX.] PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to alter the law as it now stands relative to the settlement of any bastard child so born as aforesaid, in cases where the mother's settlement cannot be ascertained and determined.

Owners or  
masters of hos-  
pitals to take the  
woman, before  
admitted, to be  
examined  
before a justice  
as to whether  
she is married  
or single.

[X.] AND be it further enacted by the authority aforesaid, that the owner, keeper, governor, master, secretary, clerk or other person who shall have or to whom shall be intrusted the care, conduct or management of such hospital, house or place shall, and he, she or they is and are hereby directed and required, before the admission of any pregnant woman into such hospital, house or place forthwith (unless prevented by sickness) to take or cause to be taken such woman before some justice of the peace in and for the county, riding, division, city, corporation or place where such hospital, house or place is situated, which justice is hereby directed and required to examine her upon oath whether she is married or single; and in case such pregnant woman



shall not be able at the time of such admission to go before such justice and be examined as aforesaid, that then and in every such case it shall and may be lawful to and for the said owner, keeper, governor, master, secretary, clerk or other person as aforesaid, and he, she or they is and are hereby directed and required, when and so soon as such woman shall be sufficiently recovered, to take or cause to be taken such woman before such justice, to be by him examined as aforesaid, any law, statute, usage or custom to the contrary thereof in any-wise notwithstanding: And all and every the particulars of such examination, taken upon oath as aforesaid, shall be entered in a book to be provided and kept for that purpose by the owner, keeper, governor, master, secretary, clerk or other person as aforesaid, and signed by the justice of the peace before whom such examination is taken, who is hereby directed and required to sign the same.

[XI.] PROVIDED always, and be it enacted, that if any woman on admission into such hospital, house or place shall produce an affidavit, sworn by her before such justice of the peace for the city of London, or for the county, riding, division, city, corporation or place wherein such hospital, house or place shall be situated, that she is a married or single woman, as the case may be, which affidavit shall be kept and filed at every such hospital, house or place, then and in every such case such woman shall not be liable or compellable by this Act to go before any justice of the peace, or to be further examined on oath as to her marriage.

If the woman produce an affidavit that she is married or single,

she is not liable to go before the justice.

[XII.] AND be it further enacted, that if any woman shall be delivered of a bastard child in such hospital, house or place, such owner, keeper, governor, master, secretary, clerk or other person as aforesaid shall, four days at the least before any such woman shall be discharged, give or cause to be given a personal notice, or notice in writing, of such delivery, to be left at the usual place of abode of the overseer or overseers, churchwarden or churchwardens, of such parish or place wherein such hospital, house or place shall be situated; and such overseer or overseers, churchwarden or churchwardens, or some or one of them, is and are hereby authorised and required, after such notice given, to attend at such hospital or place within the time so notified as aforesaid, and shall convey every such woman before some justice of the peace of the county, riding, division, city, corporation or place where such birth or births shall happen, who shall examine every such woman upon oath relative to her last legal settlement, and shall certify in writing to such overseer or churchwarden the whole of such examination, who shall cause the same to be deposited and kept amongst the books and papers belonging to such parish or place.

When any woman shall be delivered of a bastard, the owner of the hospital is to give four days notice before she is discharged to the overseer, &c. ;

who is to take her before a justice to be examined as to her last settlement.

[XIII.] AND be it further enacted, that if at any time such overseer or churchwarden shall, upon such attendance, be informed by such owner, keeper, governor, master, secretary, clerk or other person that any such woman is not sufficiently recovered to be taken out and carried before such justice, such overseer or churchwarden shall wait till a further notice shall in like manner be given; and such notices from time to time shall be repeated, as occasion may require; and every such overseer and churchwarden who shall receive the same is hereby required to pay due attention thereto.

Overseer, &c. attending, and being informed that such woman is not sufficiently recovered, shall wait till a further notice be given.

[XIV.] PROVIDED always, and be it further enacted, that it shall and may be lawful for every such owner, keeper, governor, master, secretary, clerk or

Every woman may be kept in the hospital till

she be in a fit condition to be discharged, &c.,

other person to keep and detain in such hospital, house or place every such woman so delivered of a bastard child till she shall be adjudged in a fit condition to be discharged, and until she shall have been examined before some justice of the peace as aforesaid with respect to the place of her last legal settlement.

but not to extend to keep any woman longer than six weeks, without her consent.

[XV.] PROVIDED always, and be it further enacted, that nothing in this Act shall extend or be construed to extend to authorise or empower any person whatsoever to keep or detain in such hospital, house or place any woman so delivered of a bastard child for a longer time than six weeks after the birth of such child, unless it shall be done by her own free consent.

Owner, governor, &c. not complying with the directions of this Act to forfeit 50*l.*; and overseer, &c. neglecting or refusing to forfeit 10*l.*

How penalties may be recovered and applied.

[XVI.] AND be it further enacted, that every such owner, keeper, governor, master, secretary, clerk or other person as aforesaid who shall wilfully neglect or refuse to comply with the directions of this Act shall forfeit and pay for every such neglect or refusal the sum of fifty pounds; and every such overseer or churchwarden who shall in like manner neglect or refuse to comply with the directions of this Act shall for every such neglect or refusal forfeit and pay the sum of ten pounds, which penalties or forfeitures shall be recovered, with full costs of suit, by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, by any person or persons who shall sue for the same; and such forfeitures and penalties when recovered shall be applied, one moiety to the use of the poor of the parish where such offence shall have been committed, and the other moiety to the person or persons who shall sue for and recover the same.

General issue.

[XVII.] AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this Act, the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their action or prosecution, or judgement shall be given against him, her or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs. [Rep., Stat. Law Rev. Act, 1861.]

Treble costs.

Actions when to be commenced.

[XVIII.] PROVIDED always, that no such action or suit shall be brought by virtue and in pursuance of this Act, unless the same be commenced within six calendar months after the offence committed.

Publick Act.

[XIX.] AND be it further enacted, that this Act shall be deemed a publick Act, and as such taken notice of by all judges, justices and other persons, without specially pleading the same.

## 14 GEORGE III. A.D. 1774.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TENTH DAY OF MAY,  
 A.D. 1768,  
 IN THE EIGHTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 THIRTEENTH DAY OF JANUARY, A.D. 1774,  
 BEING THE SEVENTH SESSION OF THE THIRTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER XXV.

AN ACT for the more effectual preventing Frauds and Embezzlements by  
 Persons employed in the Woollen Manufactory.

**W**HEREAS frauds are frequently committed and embezzlements made by Preamble.  
 persons employed in the woollen manufactory, particularly by their  
 secreting, selling or otherwise illegally disposing of the working tools and  
 materials they are intrusted with, by the weavers taking the biers out of the  
 chains and withholding part of the woof or abb yarn delivered to them, and  
 by the pickers, scribblers and spinners embezzling part of the wool and yarn  
 intrusted to them, and also by damping, steaming and watering the residue  
 in order to make up the deficiency in weight occasioned by such embezzle-  
 ments, and also by taking off, picking or cutting out the list, forrel or other  
 marks of any piece or pieces of cloth, by means whereof the clothiers sustain  
 great damage and loss : And whereas the abuses committed in the cloathing  
 manufacture by persons carrying, collecting, buying and receiving from the  
 labourers employed in that manufacture ends of yarn, wefts, thrumbs, short  
 yarn and other refuse of cloth, drugget and other woollen goods and goods  
 mixed with wool, have been found very detrimental to the said manufactures ;  
 and the said frauds and abuses are frequently carried on and committed so  
 secretly that the laws now in being are by no means sufficient to prevent  
 the same, whereby persons employed in the said manufacture are tempted and  
 encouraged to embezzle, purloin, secrete, sell and detain the goods and mate-  
 rials with which they are intrusted by the clothiers and other woollen  
 manufacturers, so that the cloth made comes out defective in the substance,  
 perfection and excellence intended by the clothier, to the discredit of the  
 manufacturer and injury of the publick : And whereas it is apprehended such  
 frauds and embezzlements would not be so frequent if the detection and  
 punishment of the said offences were made more easy and certain : May it  
 therefore please your Majesty that it may be enacted, and be it enacted by the  
 King's most excellent Majesty, by and with the advice and consent of the  
 lords spiritual and temporal, and commons, in this present Parliament assem-  
 bled, and by the authority of the same, that if any picker, scribbler, spinner  
 or weaver or other person or persons whatsoever who shall be any-ways  
 employed in or about the making or manufacturing of woollen cloth, or in  
 preparing materials for that purpose, shall not return all working tools or

Persons em-  
 ployed in the  
 woollen manu-  
 facture not  
 returning  
 tools and

materials to  
their em-  
ployers,

or steaming  
wool, &c. ;

and persons  
cutting or  
picking out the  
list or mark of  
cloth ;

on conviction  
before a justice,  
to be com-  
mitted for one  
calendar  
month.

Where persons  
abscond and  
sell tools or  
materials ;

or fraudulently  
buy or receive  
the same ;

justice may  
issue warrant  
to constable  
to search.

Constable may  
seize tools, &c.,  
and bring the  
persons in  
whose custody  
they are found  
before some  
justice.

implements, wool, yarn, chain, woof or abb delivered out to be worked up and manufactured and all such materials as aforesaid wherewith he, she or they shall be intrusted, or give a satisfactory account touching the same respectively to his, her or their employer, when thereunto required by the person or persons by whom he, she or they shall have been so intrusted or by his, her or their known clerk or servant, or shall fraudulently steam, damp or water the wool or yarn delivered to him, her or them to be worked up, or if any person or persons shall take off, cut or pick out the list, forrel or other mark of any piece of cloth and shall be convicted of any such offence before some justice or justices of the peace for the county, division, liberty or place where the person or persons so offending shall reside, either by the confession of the party or parties or by the oath or oaths of one or more credible witness or witnesses, every such person so convicted shall be committed to the house of correction for the space of one calendar month.

[II.] AND be it further enacted, that if any person or persons so employed, and who shall have been entrusted with any tools, implements, wool, yarn, chain, woof or abb, or other materials as aforesaid, shall not have delivered or accounted for the same, shall abscond or cannot be found, or shall sell or otherwise dispose of the same or any part thereof ; or if any person or persons shall fraudulently buy or receive such tools, implements or materials of any person so employed or entrusted ; or if any person or persons shall be suspected of, and charged on such suspicion with having embezzled and kept back, by means of fraudulently damping, steaming or watering the wool and yarn delivered out to him, her or them ; or with having sold, bought or otherwise received the same or any part thereof, as aforesaid, and oath shall be made thereof respectively before one of his Majesty's justices of the peace for the county, division, liberty or place where any such offence was committed ; such justice shall thereupon issue his warrant to any constable or constables or other peace officer or peace officers to enter into and search, in the day-time, the place of dwelling or residence of such person or persons so offending, and also such other house or place, houses or places, of which the clothier, clerk or servant as aforesaid shall make oath that he, she or they have just cause to suspect, it appearing to the said justice to be reasonable suspicion, that the said working tools, or the said materials, or some part or parts thereof, to have been embezzled or kept back, sold, bought or received as aforesaid, may be secreted and lodged : And if upon search any of the said working tools, wool, yarn, chain, woof or abb, or any cloth with the list, forrel or other marks taken off, cut or picked out, shall be found, the said constable or constables, peace officer or peace officers shall seize the same, and apprehend the person or persons in whose custody or possession the same shall be found and bring him, her or them before the same or some other of his Majesty's justices of the peace for the county, division, liberty or place aforesaid ; and unless such person or persons in whose custody the same shall be found can give a good account how he, she or they came by the same, to the satisfaction of such justice or justices, then and in such case such person or persons shall be thereof convicted, and suffer such punishment as is herein-before directed to be inflicted on persons not returning the tools or materials as aforesaid ; and all such tools, wool, yarn, chain, woof or abb, or such cloth as aforesaid, so seized, and not accounted for as aforesaid, shall,

upon such conviction, be delivered over to the churchwardens or overseers of the poor of the parish where the same were seized, to be by them sold; and the monies arising by such sale, after defraying the expences of such sale, shall be applied to the use of the poor of the said parish.

[III.] PROVIDED always, that in case the person or persons accused shall request of such justice to appoint a reasonable time to produce the person or persons of or from whom he, she or they bought or received the same, or some one or more credible witness or witnesses to prove the sale or delivery thereof, then and in such case it shall and may be lawful for the said justice and he is hereby authorised and required to appoint such reasonable time as aforesaid, and to issue out a summons to the constable or other peace officer of the parish or place where such person or persons, or such witness or witnesses, shall respectively reside, requiring him, her or them to appear before such justice, at such time and place as shall be so appointed by such justice, in order to be examined and give evidence, on oath, of the several matters aforesaid; but such person or persons, at the time of making such request, shall enter into a recognizance, with or without surety or sureties, as such justice shall think proper, for his, her or their appearance before him at the time so to be set, or, for want of such recognizance as aforesaid, shall be committed until the time that shall be so set or appointed by the said justice for the appearance of such party or parties, witness or witnesses; and if at such appointed time such person or persons shall be convicted of any of the offences aforesaid, then and in such case he, she or they shall suffer such punishment as is herein-before directed to be inflicted on persons not returning such tools or materials as aforesaid.

Justice to allow a reasonable time for producing parties or witnesses.

[IV.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice or justices, upon information made to him or them, on oath, by any credible person or persons, that there is just cause to suspect that any ends of yarn, wefts, thrumbs, short yarn or other refuse of cloth, drugget or of other woollen goods, or of goods mixed with wool (flocks and pinions only excepted), have been collected and received, and are lodged or concealed in any dwelling-house, warehouse, outhouse, yard or other place, by warrant under his hand and seal to cause every such dwelling-house, warehouse, outhouse, yard and other place to be searched in the day-time; and if such ends of yarn, wefts, thrumbs, short yarn or other refuse of cloth, drugget or other woollen goods, or goods mixed with wool (flocks and pinions only excepted), above the quantity of three pounds, shall be found therein, to seize the same, and also to cause the person or persons in whose house, warehouse, outhouse, yard or other place the same shall be found to be brought before him or some other justice or justices of the peace for the same county, division, liberty or place, and on proof being made thereof upon oath before such justice or justices that such ends of yarn, wefts, thrumbs, short yarn or other refuse of cloth, drugget, woollen goods or goods mixed with wool (flocks and pinions only excepted), were found in the dwelling-house, warehouse, outhouse, yard or other place of such person or persons so brought before such justice or justices, such person or persons not exculpating him, her or themselves to the satisfaction of such justice or justices, shall thereupon suffer such punishment as is herein-before directed to be inflicted

Justice, upon information made, may cause houses to be searched for ends of cloth, &c.;

and the same, if found, to be seized, and parties brought before justice.

on persons not returning the tools or materials as aforesaid, and the materials so found in the custody of such person or persons shall, by order of such justice or justices, be burnt or otherwise destroyed.

How offenders  
on a second  
offence are to  
be proceeded  
against.

[V.] PROVIDED always, that if, upon any information made upon oath before any justice or justices against any person or persons offending against this Act, it shall appear to such justice or justices that such person or persons so informed against hath or have been already before convicted of any offence against this Act, then and in such case such justice or justices shall not proceed to convict such offender or offenders, but shall and may commit him, her or them to the house of correction, there to remain until the next general quarter session of the peace to be held in and for the said county, division, liberty or place, or until such offender or offenders shall have entered into a recognizance, with sufficient sureties, to appear at such sessions, and then and there to abide the order of the justices at such session; and such justice or justices shall and may bind over the informer to prosecute the said offender or offenders at the said sessions; and the justices at such sessions shall then and there proceed to enquire into and determine the same in a summary way, and if, upon such inquiry, such person or persons shall be found guilty of the said offence, the said justices shall, at their discretion, commit such offender or offenders to the house of correction for any time they think proper to direct, not exceeding three calendar months.

Punishment  
on second con-  
viction before  
quarter ses-  
sions.

[VI.] PROVIDED also, that if it shall appear to the justices at their general quarter sessions that such person or persons hath or have already been convicted at some general quarter sessions of any offence against this Act, then and in such case the said justices shall, upon a like inquiry and conviction in a summary way, direct the said offender or offenders to be committed to the house of correction for any time not exceeding six calendar months, and also to be once publicly whipped at such time and place as such justices, at their said quarter sessions, shall direct.

Appeal may be  
made to the  
next quarter  
sessions by per-  
sons aggrieved.

[VII.] PROVIDED always, and be it further enacted, that if any person or persons shall think him, her or themselves aggrieved by the judgement of any justice or justices before whom he, she or they shall have been convicted of any of the offences aforesaid, such person or persons may appeal, and the said justice or justices is and are hereby required to make known to such person or persons at the time of such conviction his and their right under this Act to appeal, to the next general quarter sessions of the peace to be held for the county, liberty, division or place where such conviction shall be made, the person or persons at the time of such conviction giving to such justice or justices notice in writing signifying his, her or their intention to appeal, and also entering into a recognizance at the time of such notice, with sufficient sureties, conditioned to try such appeal and to abide the judgement of and pay such costs as shall be awarded by the justices at such sessions; and the justices at such sessions are hereby authorised and required, upon due proof made of such notice, and of such recognizance being entered into, to hear and determine the matter of the said appeal in a summary way, and award costs to the party or parties appealing or appealed against, if the said justices shall think proper; but if upon such hearing the judgement of the justice or justices before whom such appellant shall have been convicted as aforesaid shall be affirmed, then and in such case such appellant shall suffer such punish-

ment, in consequence of such conviction, as is herein-before directed to be inflicted on persons not returning the tools or materials as aforesaid.

[VIII.] AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following; (that is to say,) Form of conviction;

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ A.B. is convicted before me, (us) \_\_\_\_\_ of his Majesty's justices of the peace in and for the county, division, liberty or place (as the case may be), of having (here specify the offence, and the time and place where the same was committed). Given under my hand and seal, or our hands and seals (as the case may be), the day and year aforesaid.

[IX.] AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the said conviction to be fairly wrote over, upon parchment, and also to be returned to the next general quarter session of the peace to be held in and for the county, division, liberty or place where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of the said sessions. to be written on parchment, and returned to the next quarter sessions.

[X.] PROVIDED always, that no person or persons shall be proceeded against for any of the offences against this Act as aforesaid, unless information shall be made thereof, upon oath, before one or more justice or justices of the peace for the county, division, liberty or place where such offence shall be committed, within three calendar months after such offence shall be committed; and no order made touching or concerning any of the matters in this Act contained, or any proceedings to be had touching the conviction or convictions of any offender or offenders against this Act, shall be quashed for want of form, or be removed or removeable by certiorari, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster. No proceedings to be had without information within 3 months after offence committed, &c.

#### CHAPTER XLIV.

AN ACT to amend an Act made in the Twenty-second Year of the Reign of his late Majesty King George the Second, intituled "An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures; and for preventing unlawful Combinations of Journey-men Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages."

[II.] AND in order to prevent persons reeling false or short yarn for the future, be it further enacted, that, from and after the passing of this Act, if any person or persons shall reel false or short yarn, and shall be thereof lawfully convicted by the oath of the owner of such yarn, or in case such owner is one of the people called Quakers, then upon the solemn affirmation Penalties inflicted by this Act for reeling short yarn,

for the first,  
for the second,  
and for the  
third and  
subsequent  
offences.

of such owner, or of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath such justice or justices is and are hereby impowered and required to administer), shall for the first offence forfeit and pay any sum not exceeding twenty shillings nor less than five shillings, and for the second offence any sum not exceeding five pounds nor less than forty shillings; and for the third and every other offence it shall and may be lawful to and for such justice or justices of the peace to commit the person or persons so convicted to the house of correction or other publick prison of such county, riding, division, city, liberty, town or place, there to be kept to hard labour for the space of one calendar month, and also to order the person or persons so convicted to be once publicly whipped at the nearest market town to where the offence was committed, and upon a market day; all which penalties and forfeitures shall go to the party aggrieved.

[III.] AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following; that is to say,

Form of  
conviction.

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_ the year of our Lord \_\_\_\_\_ A.B. is convicted before me, or us, \_\_\_\_\_ of his Majesty's justices of the peace for [specifying the offence, and the time and place when and where the same was committed, and also specifying that it was the first, second or third offence against this Act, as the case shall be].

Given under my hand and seal, or our hands and seals, the day and year aforesaid.

Conviction to  
be written on  
parchment, and  
returned to the  
next general  
quarter  
sessions.

Which conviction the said justice or justices shall cause to be fairly wrote on parchment, and returned to the next general quarter session of the peace for the county, riding, division, city, liberty, town or place where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of such county, riding, division, city, liberty, town or place.

Copy of con-  
viction to be  
delivered to  
any applicant  
on payment of  
1s.

[IV.] PROVIDED always, and be it further enacted by the authority aforesaid, that it shall and may be lawful for any clerk of the peace where any such conviction shall be filed as aforesaid, and he is hereby required, upon application made to him by any person or persons for that purpose, to cause a copy or copies of any conviction or convictions filed by him under the directions of this Act to be forthwith delivered to such person or persons, upon payment of one shilling for every such copy.

Persons may  
appeal to the  
quarter  
sessions;

[V.] PROVIDED nevertheless, that if any person or persons who shall be convicted as aforesaid shall be desirous of appealing to the next general or quarter sessions of the peace to be holden for the county, riding, city or place wherein the cause of complaint shall arise, such person may, at the time of such conviction, enter into a sufficient recognizance conditioned to try such appeal, abide the order of, and pay such costs as shall be adjudged by the justices at such sessions; and the said justices at such sessions shall and are

entering into  
recognizance.



hereby authorised and required to take cognizance of such appeal, and may affirm such conviction and award such costs as they the said justices shall think proper; and in case the same are not paid according to the order of the said justices, such costs may be recovered by distress and sale of the goods and chattels of the person who ought to pay the same, by warrant under the hand and seal of any justice of the peace for the county, riding, division, city, liberty, town or place where such person shall be or reside; and if no goods and chattels belonging to such person can be found sufficient to pay the costs and the charges of making such distress, the said justices may cause the person to be committed to the common gaol of such county, riding, division, city, liberty, town or place, there to remain, without bail or mainprize, for the space of three calendar months; and the determination of the said sessions shall be final, binding and conclusive, to all intents and purposes: And no order made concerning any of the matters aforesaid, or any other proceedings to be had touching the conviction or convictions of any offender against this Act, shall be quashed or vacated for want of form, or be removed by certiorari, or any other writ or process whatsoever, into any of his Majesty's courts of record at Westminster.

If costs of appeal be not paid according to order of the justices, they may be levied by distress, &c., and where there are no goods, the persons may be committed.

Proceedings not to be quashed for want of form, &c.

## CHAPTER XLVIII.

AN ACT for regulating Insurances upon Lives, and for prohibiting all such Insurances except in cases where the Persons insuring shall have an Interest in the Life or Death of the Persons insured.

**W**HEREAS it hath been found by experience that the making insurances on lives or other events wherein the assured shall have no interest hath introduced a mischievous kind of gaming: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no insurance shall be made by any person or persons, bodies politick or corporate, on the life or lives of any person or persons, or on any other event or events whatsoever, wherein the person or persons for whose use, benefit, or on whose account such policy or policies shall be made, shall have no interest, or by way of gaming or wagering; and that every assurance made contrary to the true intent and meaning hereof shall be null and void to all intents and purposes whatsoever.

Preamble.

No insurance to be made on lives, &c. by persons having no interest, &c.

[II.] AND be it further enacted, that it shall not be lawful to make any policy or policies on the life or lives of any person or persons, or other event or events, without inserting in such policy or policies the person or persons name or names interested therein, or for whose use, benefit, or on whose account such policy is so made or underwrote.

No policies on lives without inserting the names of persons interested, &c.

[III.] AND be it further enacted, that in all cases where the insured hath interest in such life or lives, event or events, no greater sum shall be recovered or received from the insurer or insurers than the amount or value of the interest of the insured in such life or lives, or other event or events.

How much may be recovered where the insured hath interest in lives.

Not to extend  
to insurances  
on ships, goods,  
&c.

[IV.] PROVIDED always, that nothing herein contained shall extend or be construed to extend to insurances bona fide made by any person or persons on ships, goods, or merchandises, but every such insurance shall be as valid and effectual in the law as if this Act had not been made.

## CHAPTER LXXVIII.

AN ACT for the further and better Regulation of Buildings and Party-walls, and for the more effectually preventing Mischiefs by Fire within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts and Places within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bon, Paddington, Saint Pancras and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law.

\* \* \* \* \*

Money insured  
on houses  
burnt how to  
be applied.

[LXXXIII.] AND in order to deter and hinder ill-minded persons from wilfully setting their house or houses or other buildings on fire with a view of gaining to themselves the insurance money, whereby the lives and fortunes of many families may be lost or endangered: Be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the respective governors or directors of the several insurance offices for insuring houses or other buildings against loss by fire, and they are hereby authorised and required, upon the request of any person or persons interested in or intitled unto any house or houses or other buildings which may hereafter be burnt down, demolished or damaged by fire, or upon any grounds of suspicion that the owner or owners, occupier or occupiers, or other person or persons who shall have insured such house or houses or other buildings have been guilty of fraud, or of wilfully setting their house or houses or other buildings on fire, to cause the insurance money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating or repairing such house or houses or other buildings so burnt down, demolished or damaged by fire, unless the party or parties claiming such insurance money shall, within sixty days next after his, her or their claim is adjusted, give a sufficient security to the governors or directors of the insurance office where such house or houses or other buildings are insured, that the same insurance money shall be laid out and expended as aforesaid, or unless the said insurance money shall be in that time settled and disposed of to and amongst all the contending parties, to the satisfaction and approbation of such governors or directors of such insurance office respectively.

\* \* \* \* \*

No action to  
lie against a  
person where  
the fire acci-  
dentally begins.

[LXXXVI.] AND be it further enacted by the authority aforesaid, that no action, suit or process whatever shall be had, maintained or prosecuted against any person in whose house, chamber, stable, barn or other building, or on whose estate any fire shall, after the said twenty-fourth day of June, [a] accidentally begin, nor shall any recompence be made by such person for

any damage suffered thereby, any law, usage or custom to the contrary notwithstanding: And in such case, if any action be brought, the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial thereupon to be had; and in case the plaintiff become nonsuited, or discontinue his action or suit, or if a verdict pass against him, the defendant shall recover treble costs [Rep., Stat. Law Rev., Act, 1861]; provided that no contract or agreement made between landlord and tenant shall be hereby defeated or made void.

\* \* \* \* \*

### CHAPTER LXXXIII.

AN ACT for making more effectual Provision for the Government of the Province of Quebec in North America.

**W**HEREAS his Majesty, by his royal proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories and islands in America, ceded to his Majesty by the definitive treaty of peace concluded at Paris on the tenth day of February one thousand seven hundred and sixty-three: And whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the territories, islands and countries in North America belonging to the crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut, keeping the same latitude directly west through the lake Champlain, until, in the same latitude, it meets the river Saint Lawrence; from thence up the eastern bank of the said river to the lake Ontario; thence through the lake Ontario, and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of lake Erie, following the said bank, until the same shall be intersected by the northern boundary granted by the charter of the province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall

Preamble.

The territories, islands and countries in North America belonging to Great Britain, north of a certain line,

be nearest to the north-western angle of the said province of Pennsylvania, and thence, by a right line, to the said north-western angle of the said province; and thence along the western boundary of the said province, until it strike the river Ohio; and along the bank of the said river, westward, to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson's Bay; and also all such territories, islands and countries which have, since the tenth of February one thousand seven hundred and sixty-three, been made part of the government of Newfoundland, be, and they are hereby, during his Majesty's pleasure, annexed to and made part and parcel of the province of Quebec, as created and established by the said royal proclamation of the seventh of October one thousand seven hundred and sixty-three.

annexed to the province of Quebec.

Not to affect the boundaries of any other colony;

nor to make void other rights formerly granted.

[II.] PROVIDED always, that nothing herein contained relative to the boundary of the province of Quebec shall in anywise affect the boundaries of any other colony.

[III.] PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to make void, or to vary or alter, any right, title or possession derived under any grant, conveyance or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining, but that the same shall remain and be in force and have effect as if this Act had never been made.

Former provisions made for the province to be null and void after May 1, 1775.

[IV.] AND whereas the provisions made by the said proclamation in respect to the civil government of the said province of Quebec, and the powers and authorities given to the governor and other civil officers of the said province by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted at the conquest to above sixty-five thousand persons professing the religion of the Church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed and ordered, for a long series of years, from the first establishment of the said province of Canada: Be it therefore further enacted by the authority aforesaid, that the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governor and council of Quebec for the time being relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be and the same are hereby revoked, annulled and made void, from and after the first day of May one thousand seven hundred and seventy-five.

Inhabitants of Quebec may profess the Romish religion, subject to the King's supremacy, as by Act 1 Eliz. [c. 1.];

and the clergy enjoy their

[V.] AND for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared that his Majesty's subjects professing the religion of the Church of Rome of and in the said province of Quebec may have, hold and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did or thereafter should belong to the imperial crown of this realm; and that the clergy of the said Church may

hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

accustomed dues.

[VI.] PROVIDED nevertheless, that it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they shall from time to time think necessary and expedient.

Provision may be made by his Majesty for the support of the Protestant clergy.

[VII.] PROVIDED always, and be it enacted, that no person professing the religion of the Church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person who by the said statute is required to take the oath therein mentioned shall be obliged, and is hereby required, to take and subscribe the following oath before the governor, or such other person in such court of record as his Majesty shall appoint, who are hereby authorised to administer the same; videlicet,

No person professing the Romiah religion obliged to take the oath of 1 Eliz. [c. 1.]; but to take before the governor, &c. the following oath.

**I** A.B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and him will defend to the utmost of my power against all traiterous conspiracies and attempts whatsoever which shall be made against his person, crown and dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traiterous conspiracies and attempts which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary.

The oath.

So help me GOD.

And every such person who shall neglect or refuse to take the said oath before mentioned shall incur and be liable to the same penalties, forfeitures, disabilities and incapacities as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

Persons refusing the oath to be subject to the penalties by Act 1 Eliz. [c. 1.]

[VIII.] AND be it further enacted by the authority aforesaid, that all his Majesty's Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial manner as if the said proclamation, commissions, ordinances and other acts and instruments had not been made, and as may consist with their allegiance to his Majesty and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights resort shall be had to the laws of Canada as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice to be appointed within and for the said province by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall from time to time be passed in the said province by the governor, lieutenant governor or commander in chief,

His Majesty's Canadian subjects (religious orders excepted) may hold all their possessions, &c. as heretofore.

and in matters of controversy resort to be had to the laws of Canada for the decision.

for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner herein-after mentioned.

Not to extend to lands granted by his Majesty in common soccage.

[IX.] PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common soccage.

Owners of lands, goods, &c. may alienate the same by will, &c.

[X.] PROVIDED also, that it shall and may be lawful to and for every person that is owner of any lands, goods or credits in the said province, and that has a right to alienate the said lands, goods or credits in his or her life-time, by deed of sale, gift or otherwise, to devise or bequeath the same at his or her death by his or her last will and testament, any law, usage or custom heretofore or now prevailing in the province to the contrary hereof in any-wise notwithstanding, such will being executed either according to the laws of Canada or according to the forms prescribed by the laws of England.

Criminal law of England to be continued in the province.

[XI.] AND whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered: Be it therefore further enacted by the authority aforesaid, that the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law or mode of proceeding thereon which did or might prevail in the said province before the year of our Lord one thousand seven hundred and sixty-four, any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governor, lieutenant-governor or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province hereafter to be appointed, shall from time to time cause to be made therein, in manner herein-after directed.

\* \* \* \* \*

Nothing to hinder his Majesty to constitute courts of criminal, civil, and ecclesiastical jurisdiction.

[XVII.] AND be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent under the great seal of Great Britain, from erecting, constituting and appointing such courts of criminal, civil and ecclesiastical jurisdiction within and for the said province of Quebec, and appointing from time to time the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

All Acts formerly made to be in force within the province.

[XVIII.] PROVIDED always, and it is hereby enacted, that nothing in this Act contained shall extend or be construed to extend to repeal or make void, within the said province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made for prohibiting, restraining or regulating the trade or commerce of his Majesty's colonies and plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said colonies and plantations, shall be and are hereby declared to be in force within the said province of Quebec and every part thereof.

## CHAPTER LXXXVIII.

AN ACT to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America.

[V.] AND be it further enacted by the authority aforesaid, that there shall, from and after the fifth day of April one thousand seven hundred and seventy-five, be raised, levied, collected and paid unto his Majesty's receiver-general of the said province [\*] for the use of his Majesty, his heirs and successors, a duty of one pound sixteen shillings sterling money of Great Britain for every licence that shall be granted by the governor, lieutenant governor or commander in chief of the said province to any person or persons for keeping a house or any other place of publick entertainment, or for the retailing wine, brandy, rum or any other spirituous liquors, within the said province; and any person keeping any such house or place of entertainment or retailing any such liquors without such licence shall forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof, one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the receiver-general of the province, for the use of his Majesty.

Any person keeping a house of publick entertainment, &c. to pay 1*l.* 16*s.* for a licence.

Penalty of 10*l.* for keeping house, &c. without licence.

[VI.] PROVIDED always, that nothing herein contained shall extend or be construed to extend to discontinue, determine or make void any part of the territorial or casual revenues, fines, rents or profits whatsoever which were reserved to and belonged to his most Christian Majesty before and at the time of the conquest and surrender thereof to his Majesty the King of Great Britain, but that the same and every of them shall remain and be continued to be levied, collected and paid in the same manner as if this Act had never been made, any thing therein contained to the contrary notwithstanding.

Not to make void French revenues, &c. reserved at the conquest.

[VII.] AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, and if it shall appear to the court or judge where or before whom the same shall be tried that such action or suit is brought for any thing that was done in pursuance of and by the authority of this Act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if the plaintiff shall discontinue such action or suit, such court or judge shall award to the defendant or defendants treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

In suits for things done pursuant to this Act,

defendants to be acquitted, and to have treble costs.

[\* i.e., the province of Quebec.]

## 15 GEORGE III. A.D. 1774-5.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF NOVEMBER,  
A.D. 1774,

IN THE FIFTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
BEING THE FIRST SESSION OF THE FOURTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XIV.

AN ACT to explain and amend an Act made in the Fourteenth Year of his present Majesty, intituled "An Act to amend an Act made in the "Twenty-second Year of the Reign of his late Majesty King George "the Second, intituled 'An Act for the more effectual preventing of " 'Frauds and Abuses committed by Persons employed in the Manufacture " 'of Hats and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, " 'Fur, Hemp, Flax, Mohair and Silk Manufactures, and for preventing " 'unlawful Combinations of Journeymen Dyers and Journeymen Hot " 'Pressers, and of all Persons employed in the said several Manufactures ; " 'and for the better Payment of their Wages.' "

Preamble.

Act 14 Geo. 3.  
c. 44.

WHEREAS by an Act made in the fourteenth year of the reign of his present Majesty (intituled An Act to amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second, intituled "An Act for the more effectual preventing of frauds and abuses " committed by persons employed in the manufacture of hats and in the " woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk " manufactures, and for preventing unlawful combinations of journeymen " dyers and journeymen hot pressers, and of all persons employed in the said " several manufactures, and for the better payment of their wages") certain penalties therein mentioned are inflicted on persons convicted of reeling false or short yarn, but no provision is made for recovery of the said penalties or of the costs and charges attending such prosecutions, by means whereof the good purposes intended by the said Act are rendered ineffectual: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several pecuniary penalties inflicted by the said Act upon persons who shall be convicted of reeling false or short yarn, together with the costs and charges attending such prosecutions, shall (in case the same are not paid according to the order of the justice or justices before whom such person or persons shall be so convicted) be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant or warrants under the hand and seal or hands and seals of the justice or justices before whom such offender or offenders shall be so convicted, together with the costs and charges of making such distress and sale ; and if no goods and chattels belong-

After the passing of this Act, the several penalties inflicted by 14 Geo. 3. c. 44. on persons reeling short yarn, &c. to be levied by distress of the offender's goods ;



ing to such offender or offenders can be found sufficient to answer the said penalties, together with the costs and charges of such distress and sale, then such justice or justices shall and may cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, division, city, liberty, town or place where such offence shall be committed, there to remain without bail or mainprize for the space of one calendar month, unless such penalties and forfeitures, and the reasonable charges of such distress and sale, shall be sooner paid and satisfied.

and if no goods sufficient can be found, offender to be committed for one month.

[II.] PROVIDED nevertheless, and be it further enacted, that if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for such person or persons to appeal to the justices of the peace, at the next general or quarter sessions of the peace to be holden for the county, riding, city or place where the cause of complaint shall arise; and the justices, in their said general or quarter sessions, are hereby required to hear and determine the matter of every such appeal, and to make such order therein as to them shall seem reasonable and according to the true intent and meaning of this Act, which determination of the said justices in sessions, on every and any such appeal, shall be and are hereby declared to be final and conclusive.

If persons think themselves aggrieved, they may appeal to the sessions;

and the determination of the justices to be final.

## CHAPTER XXII.

AN ACT for vesting Part of the Garden of the Society of Lincoln's Inn, in the County of Middlesex, in the Accountant General of the Court of Chancery and his successors for ever, for the purpose of erecting thereon Offices for the Accountant General and for the Register of the said Court.

WHEREAS by an Act passed in the fourteenth year of the reign of his present Majesty (intituled An Act for rebuilding the office of the six clerks of the King's Court of Chancery, and for erecting offices for the register and accountant general of the said court, for the better preserving the records, decrees, orders and books of account kept in such offices) it is, amongst other things, enacted, that out of the funds therein particularly mentioned, after paying and defraying the charges and expences attending the passing and obtaining the said Act, a sum of ten thousand pounds be applied as the lord high chancellor of Great Britain or lord keeper or lords commissioners for the custody of the great seal of Great Britain for the time being shall in his or their discretion deem necessary, in erecting proper and convenient offices for the said register and accountant general of the said court, separate and detached from each other, and in purchasing such ground and houses as shall be necessary for those purposes, and for preserving the ancient books of entries of decrees and orders of the said court; and that the ground and houses to be purchased for the purpose of erecting the said offices for the said register and accountant general be conveyed to and vested in Thomas Anguish, Esquire, accountant general of the said court, and his successors in the said office for the time being for ever, in trust to and for the purposes in the said Act mentioned concerning the offices of the said register and accountant general, and for no other use or purpose whatsoever: And

Preamble.  
Act 14 Geo. 3.  
c. 43. recited.

whereas the Honourable Society of Lincoln's Inn are owners of a convenient spot of ground, part of the ancient garden belonging to the said society, which will in all respects answer the purposes intended by the said recited Act, upon which the said offices may be erected, sufficiently detached from any other buildings, and the worshipful the masters of the bench of the said society have agreed to dispose of so much ground, part of the said garden, as shall be necessary for the purpose of erecting the said offices, to be applied to that use (to wit), All that piece or parcel of ground situate on the east side of the garden next Chancery Lane, abutting south on a way intended to be made into the said inn; east, on ground adjoining to Chancery Lane aforesaid, intended to be laid open; north, on ground granted, or agreed to be granted, to the six clerks, whereon an office is intended to be erected; and west, on ground, also belonging to the said society, intended to be laid open; containing in breadth from east to west, at the south end, seventy-seven feet seven inches of assize, with a break northward of four inches in the centre of the said south end thirty-four feet in length; containing in length from north to south, on the east side, ninety-seven feet ten inches and three quarters of assize, with a break westward of eleven feet six inches and an half in the said east side, commencing at the distance of twenty-one feet nine inches and an half from the south end; and containing in breadth from east to west, at the north end, fifty-four feet six inches of assize; and in length from north to south, on the west side, ninety-seven feet ten inches and three quarters of assize, with a break eastward of eleven feet six inches and an half in the said west side, commencing at the distance of twenty-one feet nine inches and an half from the south end; which piece or parcel of ground is situated on a parallel with the buildings now carrying on in the said garden, and commences on the north boundary thereof at the distance of forty-two feet nine inches southward of the centre of the said buildings; and the said ground hath been approved by the right honourable the lord high chancellor as proper for the scite of the said buildings; but in as much as the soil and freehold of the said garden is vested in trustees, upon trust for the said society, and a good title cannot be made to the said spot of ground without the aid of Parliament: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and the authority of the same, that such plot or parcel of the said garden, belonging to the said society of Lincoln's Inn, be and the same is hereby vested in Thomas Anguish, Esquire, accountant general of the said Court of Chancery, to hold to him and his successors in the said office for the time being for ever, in trust to and for the purposes in the said recited Act of the fourteenth year of the reign of his present Majesty and in this Act mentioned concerning the offices of the said register and accountant general, and to and for no other use, intent or purpose whatsoever; and that the said offices, when erected, be free from all taxes, rates and assessments whatsoever, save and except such as the accountant general and register, or either of them, do now pay in respect of their said offices.

A certain plot of Lincoln's Inn Garden vested in Thomas Anguish, Esq., &c. for building offices for the accountant general, &c.; and the said offices to be free from taxes, &c.

\* \* \* \* \*

## CHAPTER XXXIX.

AN ACT to empower Justices of the Peace to administer Oaths where any Penalty is to be levied or Distress to be made, in pursuance of any Act of Parliament, wherein the same is not expressly directed.

**W**HEREAS it is frequently necessary for justices of the peace to administer oaths or affirmations, where penalties are to be levied or distresses to be made, in pursuance of Acts of Parliament, which they have no power to administer, unless authorised so to do by such Acts respectively: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where any penalty is directed to be levied or distress to be made, by any Act of Parliament now in force or hereafter to be made, it shall and may be lawful for any justice or justices acting under the authority of such Acts respectively, and he and they is and are hereby authorised and empowered to administer an oath or oaths, affirmation or affirmations, to any person or persons, for the purpose of levying such penalties or making such distresses respectively.

Preamble.

In all cases where penalties, &c. are directed to be levied under Acts, justices are empowered to administer oaths, &c. for levying such penalties, &c.

## CHAPTER LIII.

AN ACT for enabling the Two Universities in England, the Four Universities in Scotland and the several Colleges of Eton, Westminster and Winchester, to hold in perpetuity their copy right in Books, given or bequeathed to the said Universities and Colleges for the Advancement of useful Learning and other purposes of Education; and for amending so much of an Act of the eighth year of the reign of Queen Anne as relates to the Delivery of Books to the Warehouse Keeper of the Stationers Company, for the use of the several Libraries therein mentioned.

**W**HEREAS authors have heretofore bequeathed or given, and may hereafter bequeath or give, the copies of books composed by them, to or in trust for one of the two universities in that part of Great Britain called England, or to or in trust for some of the colleges or houses of learning within the same, or to or in trust for the four universities in Scotland, or to or in trust for the several colleges of Eaton, Westminster and Winchester, and in and by their several wills or other instruments of donation have directed or may direct that the profits arising from the printing and reprinting such books shall be applied or appropriated as a fund for the advancement of learning and other beneficial purposes of education within the said universities and colleges aforesaid: And whereas such useful purposes will frequently be frustrated unless the sole printing and reprinting of such books, the copies of which have been or shall be so bequeathed or given as aforesaid, be preserved and secured to the said universities, colleges and houses of learning respectively in perpetuity: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with

Preamble.

Universities,  
&c. in England  
and Scotland to  
have for ever  
the sole right of  
printing, &c.  
such books as  
have been or  
shall be  
bequeathed to  
them,

unless the same  
have been or  
shall be given  
for a limited  
time.

After June 24,  
1775, persons  
printing or  
selling such  
books shall  
forfeit the same,  
and also 1d. for  
every sheet;

one moiety to  
his Majesty and  
the other to the  
prosecutor.

Nothing in this  
Act to extend  
to grant any  
exclusive right  
longer than  
such books are  
printed at the  
presses of the  
universities.

Universities  
may sell copy  
rights in like  
manner as any  
author.

the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said universities and colleges respectively shall, at their respective presses, have for ever the sole liberty of printing and reprinting all such books as shall at any time heretofore have been or (having not been heretofore published or assigned) shall at any time hereafter be bequeathed or otherwise given by the author or authors of the same respectively, or the representatives of such author or authors, to or in trust for the said universities, or to or in trust for any college or house of learning within the same, or to or in trust for the said four universities in Scotland, or to or in trust for the said colleges of Eaton, Westminster and Winchester, or any of them, for the purposes aforesaid, unless the same shall have been bequeathed or given or shall hereafter be bequeathed or given for any term of years or other limited term, any law or usage to the contrary hereof in any-wise notwithstanding.

[II.] AND it is hereby further enacted, that if any bookseller, printer or other person whatsoever, from and after the twenty-fourth day of June one thousand seven hundred and seventy-five, shall print, reprint or import, or cause to be printed, reprinted or imported, any such book or books, or, knowing the same to be so printed or reprinted, shall sell, publish or expose to sale, or cause to be sold, published or exposed to sale, any such book or books, then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets being part of such book or books, to the university, college or house of learning respectively to whom the copy of such book or books shall have been bequeathed or given as aforesaid, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one penny for every sheet which shall be found in his, her or their custody either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance shall be allowed.

[III.] PROVIDED nevertheless, that nothing in this Act shall extend to grant any exclusive right otherwise than so long as the books or copies belonging to the said universities or colleges are printed only at their own printing presses within the said universities or colleges respectively, and for their sole benefit and advantage; and that if any university or college shall delegate, grant, lease or sell their copy rights, or exclusive rights of printing the books hereby granted, or any part thereof, or shall allow, permit or authorise any person or persons, or bodies corporate, to print or reprint the same, that then the privileges hereby granted are to become void and of no effect, in the same manner as if this Act had not been made; but the said universities and colleges as aforesaid shall nevertheless have a right to sell such copies so bequeathed or given as aforesaid, in like manner as any author or authors now may do under the provisions of the statute of the eighth year of her Majesty Queen Anne.

[IV.] AND whereas many persons may through ignorance offend against this Act unless some provision be made whereby the property of every such book as is intended by this Act to be secured to the said universities, colleges and houses of learning within the same, and to the said universities in Scotland, and to the respective colleges of Eaton, Westminster and Winchester, may be ascertained and known: Be it therefore enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to subject any bookseller, printer or other person whatsoever to the forfeitures or penalties herein mentioned for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, unless the title to the copy of such book or books which has or have been already bequeathed or given to any of the said universities or colleges aforesaid be entered in the register book of the Company of Stationers kept for that purpose, in such manner as hath been usual, on or before the twenty-fourth day of June one thousand seven hundred and seventy-five, and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice chancellors of the said universities, or heads of houses and colleges of learning, or of the principal of any of the said four universities respectively; for every of which entries so to be made as aforesaid the sum of sixpence shall be paid, and no more; which said register book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer or other person, without any fee or reward; and the clerk of the said Company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

No person subject to penalties for printing, &c. books already bequeathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed must be registered within two months after such bequest shall be known.

6d. to be paid for each entry in the register book, which may be inspected without fee.

Clerk to give a certificate, being paid 6d.

If clerk refuse or neglect to make entry, &c.,

proprietor of such copy right to have like benefit as if such entry had been made, and the clerk shall forfeit 20l.

[V.] AND be it further enacted, that if the clerk of the said Company of Stationers for the time being shall refuse or neglect to register or make such entry or entries or to give such certificate, being thereunto required by the agent of either of the said universities or colleges aforesaid, lawfully authorised for that purpose, then either of the said universities or colleges aforesaid, being the proprietor of such copy right or copy rights as aforesaid (notice being first given of such refusal by an advertisement in the Gazette), shall have the like benefit as if such entry or entries, certificate or certificates had been duly made and given; and the clerk so refusing shall for every such offence forfeit twenty pounds to the proprietor or proprietors of every such copy right, to be recovered in any of his Majesty's courts of record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege, protection, or more than one imparlance shall be allowed.

\* \* \* \* \*

[VII.] AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or brought against any person or persons whatsoever for doing or causing to be done any thing in pursuance of this Act, the defendants in such action may plead the general issue and give the special matter in evidence [a]; and if upon such action a verdict or, if the same

Evidence and costs in actions.

[a] So much as relates to plea of general issue, rep., Stat. Law Rev. Act, 1861.]

shall be brought in the Court of Session in Scotland, a judgement be given for the defendant, or the plaintiff become nonsuited and discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.

Publick Act.

[VIII.] AND be it further enacted by the authority aforesaid, that this Act shall be adjudged, deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

## CHAPTER LVI.

AN ACT for applying the Funds provided for rebuilding the Offices of the Six Clerks of the King's Court of Chancery, by an Act made in the fourteenth year of the reign of his present Majesty, intituled "An Act for rebuilding the Office of the Six Clerks of the King's Court of Chancery, and for erecting Offices for the Register and Accountant-General of the said Court, for the better preserving the Records, Decrees, Orders and Books of Account kept in such Offices," in building Offices for the said Six Clerks in the Garden of Lincoln's Inn, instead of rebuilding the present Six Clerks Office in Chancery Lane; and for other purposes.

Preamble.

Act 14 Geo. 3.  
c. 43. recited.

WHEREAS by an Act of Parliament passed in the fourteenth year of the reign of his present Majesty, intituled "An Act for rebuilding the office of the six clerks of the King's Court of Chancery, and for erecting offices for the register and accountant-general of the said court, for the better preserving the records, decrees, orders and books of account kept in such offices," it was (among other things) enacted, that out of the securities purchased with the surplus money mentioned in the said Act, and out of the interest produced and to be produced from such securities, and out of the surplus interest which should arise or be produced from securities purchased in pursuance of several Acts of Parliament in the said Act mentioned, and out of the interest which should arise or be produced from securities to be purchased in pursuance of the said Act, such sum or sums of money as the lord high chancellor of Great Britain, or the lord keeper or lords commissioners for the custody of the great seal of Great Britain for the time being, should in his or their discretion deem necessary, should be applied, under the direction of the said court, in the first place in paying and defraying the charges and expences attending the passing and obtaining the said Act, and then in rebuilding the said office called The Six Clerks Office, with the offices belonging thereto, and in purchasing ground and houses for that purpose, if any should be deemed necessary by the said court, and in providing a proper place for transacting the business of the said Six Clerks Office during the time such office should be rebuilding; and that the ground and houses to be purchased for the purpose of rebuilding the said Six Clerks Office, if any should be deemed necessary, should be conveyed to and vested in the said six clerks, to hold to them and their successors for ever, in trust for the purposes in the said Act mentioned: And whereas the office of the said six clerks, and the ground belonging thereto, is so surrounded by houses and other buildings that the said office is in continual danger of accidents by fire, and a sufficient space of ground

contiguous thereto cannot be obtained for rebuilding the same, detached from any dwelling-houses: And whereas the Honourable Society of Lincoln's Inn are owners of a convenient spot of ground, part of the ancient garden belonging to the said society, which will better answer the purposes intended by the said Act, and the worshipful the masters of the bench of the said society are willing and have agreed to sell and dispose of so much ground, part of the said garden, as shall be necessary for the purpose of erecting the said office thereon; that is to say, All that piece or parcel of ground situate on the east side of the said garden next Chancery Lane, abutting south on ground granted or agreed to be granted by the said society for the purpose of erecting offices for the register and accountant-general of the said Court of Chancery; east in part on ground adjoining to Chancery Lane, belonging to the said society, which is to continue their property, but to be left vacant for an area only before the Six Clerks Office, to be inclosed with an iron pallisade railing by the said six clerks, but not to be used by them for any purpose whatsoever, and in other part on Chancery Lane aforesaid; west on ground belonging to the said society, to be laid open, part of which, not exceeding three feet in width for the length of eighty-seven feet three inches from the south end of the same and three feet nine inches in width for the remaining part of the said west side, to be inclosed with an iron pallisade railing by the said six clerks, as an area before the said offices, but not to be used by them for any purpose whatsoever; and north on ground belonging to the said society (which is to be vested in the said six clerks under certain restrictions as herein-after is mentioned for the use of the said offices), containing in breadth from east to west, at the south end, sixty feet of assize, and from north to south, on the east side, one hundred and sixty-one feet seven inches and a quarter of assize, with a break of two feet nine inches westward in the said east side, at the distance of eighty-seven feet three inches from the south end, containing in breadth from east to west, at the north end, fifty-four feet six inches of assize, and in length from north to south, on the west side, one hundred and sixty-one feet seven inches and a quarter of assize, with a break eastward in the said west side of two feet and nine inches, at the distance of eighty-seven feet three inches from the south end; which dimensions are exclusive of the footings or plinths which are allowed to project on the surface of the ground on the east, north and west sides of the same, two inches: Also All that piece or parcel of ground situate between the north boundary of the before-mentioned piece or parcel of ground and the north wall of the said garden, containing in length from east to west, on the south side thereof, next the said ground, fifty-four feet six inches of assize, abutting south on the said first-mentioned ground, east on Chancery Lane, north on the garden wall aforesaid and west on ground belonging to the said society: All which pieces or parcels of ground are situate on a parallel with the buildings now carrying on in the said garden, and commence, on the southermost boundary thereof, at the distance of forty-two feet nine inches southward of the centre of the said buildings: . . . . .

[II.] AND be it further enacted and declared, that the said parcel of ground belonging to the said society herein-before mentioned and described shall, from and after the passing of this Act, be and the same is hereby vested in the said six clerks, to hold to them and their successors for ever, to the intent

Ground before described to be vested in the six clerks, to erect thereon an office, &c.

to erect thereon an office for the six clerks and an Inrolment Office, such Inrolment Office being now part of the building of the present Six Clerks Office, such offices respectively to be used and employed in such and the same manner as the said office called The Six Clerks Office and The Inrolment Office are now used and employed, and to and for no other use or purpose whatsoever.

\* \* \* \* \*

Proviso with  
respect to  
different parts  
of the building.

[IX.] PROVIDED always, and be it further enacted, that no easement, privy or house of office whatsoever be erected on any part of either of the pieces or parcels of ground herein-before described above the level of the ground floor of the said offices; and that no building whatsoever be erected on the last-mentioned piece or parcel of ground to rise above the level of the springing of the arches in the fronts of the buildings intended to be erected by the said society, or within thirty feet of the western boundary of the said last-mentioned ground; and also that the said last-mentioned ground be inclosed on the western boundary by an open iron pallisade railing only, and those parts of the eastern boundary not built against be inclosed by a wall, the top of the coping of which shall be on a level with the springing of the said arches; and also that the external plan and elevations of the basement and ground story of the buildings to be erected on the said pieces or parcels of ground do correspond with the buildings intended to be erected by the said society; and that the chimney shafts be erected regularly, and be carried up to such heights as not to annoy or be offensive to the rooms or chambers in the said buildings intended to be erected by the said society; and that no act or thing be done upon any part of the said several premises to annoy or be offensive to any of the said chambers or the occupiers thereof.

Proviso.

[X.] PROVIDED also, and be it enacted, that the said society do not erect any building or buildings whatsoever between the east front of the buildings now carrying on by the said society and the western boundary of the said first-mentioned piece or parcel of ground.

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## 17 GEORGE III. A.D. 1776-7.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF NOVEMBER,  
A.D. 1774,

IN THE FIFTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
THIRTY-FIRST DAY OF OCTOBER, A.D. 1776,  
BEING THE THIRD SESSION OF THE FOURTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XI.

AN ACT for more effectually preventing Frauds and Abuses committed by  
Persons employed in the Manufactures of Combing Wool, Worsted Yarn  
and Goods made from Worsted, in the counties of York, Lancaster and  
Chester.

**W**HEREAS by an Act made in the twenty-second year of the reign of his  
late Majesty King George the Second, intituled "An Act for the more  
" effectual preventing of frauds and abuses committed by persons employed in  
" the manufacture of hats, and in the woollen, linen, fustian, cotton, iron,  
" leather, fur, hemp, flax, mohair and silk manufactures, and for preventing  
" unlawful combinations of journeymen dyers and journeymen hot-pressers,  
" and of all persons employed in the said several manufactures, and for the  
" better payment of their wages;" and by another Act made in the four-  
teenth year of the reign of his present Majesty King George the Third,  
intituled "An Act to amend an Act made in the twenty-second year of  
" the reign of his late Majesty King George the Second, intituled 'An Act  
" 'for the more effectual preventing of frauds and abuses committed by  
" 'persons employed in the manufacture of hats, and in the woollen, linen,  
" 'fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures,  
" 'and for preventing unlawful combinations of journeymen dyers and  
" 'journeymen hot-pressers, and of all persons employed in the said several  
" 'manufactures, and for the better payment of their wages'"; and by  
another Act made in the fifteenth year of the reign of his said present Majesty,  
intituled "An Act to explain and amend an Act made in the fourteenth year  
" of his present Majesty, intituled "An Act to amend an Act made in  
" "the twenty-second year of the reign of his late Majesty King George  
" "the Second, intituled 'An Act for the more effectual preventing of frauds  
" "and abuses committed by persons employed in the manufacture of hats,  
" "and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax,  
" "mohair and silk manufactures, and for preventing unlawful combinations  
" "of journeymen dyers and journeymen hot-pressers, and of all persons  
" "employed in the said several manufactures, and for the better payment  
" "of their wages,'" certain penalties and punishments, in the said Acts  
respectively mentioned, are inflicted upon all persons who shall reel false or  
short yarn and on persons embezzling the materials used in the said manu-  
factures: And whereas the good purposes of the said laws have been greatly  
frustrated, from the manufacturers of combing wool, worsted yarn and goods  
made from worsted being unwilling to expose themselves singly to the loss  
attending the resentment of the spinners and work people, by prosecuting

Preamble.

Acts  
22 Geo. 2.  
[c. 27.]

14 Geo. 3: c. 44.

and 15 Geo. 3.  
c. 14. recited.

them for offences against the said Acts : And whereas this important branch of the woollen manufactory will be greatly prejudiced thereby, unless the manufacturers are enabled jointly to carry these laws into effectual execution ; which cannot be done without the aid of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that a general meeting of the manufacturers of combing wool, worsted yarn and goods made from worsted, in the counties of York, Lancaster and Chester shall be held at Halifax, in the county of York, on the second Monday in the month of June next ensuing after the passing of this Act, at the hour of eleven of the clock in the forenoon of the same day, notice of which shall be given in the Leeds and Manchester newspapers, at least twenty-one days before the said meeting, by the clerk of the peace for the west riding of the county of York ; at which said general meeting the said manufacturers present, by themselves or proxies appointed by writing under the hand of any of such manufacturers, shall have votes ; and having first chosen a chairman, the Yorkshire manufacturers shall elect, nominate and appoint eighteen persons from amongst themselves, and the Lancashire and Cheshire manufacturers shall elect, nominate and appoint nine persons from amongst themselves, which said eighteen and nine persons so to be elected shall be a committee of the said manufacturers for the time being, and until another committee shall be chosen and appointed in the manner herein-after provided, and so as often as there shall be occasion ; which committee are hereby authorised and empowered to nominate and recommend two or more proper persons, to be licensed by the justices of the peace of the west riding of the county of York, at any of their quarter sessions for the said riding, or any adjournment thereof, to be inspectors for the purposes herein-after mentioned, and also to have the direction of all prosecutions of offenders against this and the said before-mentioned Acts, and the management of the fund herein-after to be created, and to do all other matters and things which may be deemed necessary and proper for the carrying this Act into execution, in such manner as the said committee of the manufacturers for the time being, or any seven or more of them, at a publick meeting to be assembled, shall judge and think best for the interest and advantage of all the said manufacturers.

General meeting of manufacturers of Yorkshire, Lancashire and Cheshire ;

those of Yorkshire to elect 18, and those of Lancashire and Cheshire 9 persons to be a committee.

Committee to appoint inspectors.

Committee to appoint a clerk, to keep records of their transactions ;

which may be inspected by manufacturers.

[II.] AND be it further enacted, that it shall and may be lawful to and for the said committee or the greater part of them, at any general meeting assembled (and they are hereby authorised and required), from time to time to nominate and appoint, by writing under their hands, a proper person to be their clerk, which said clerk shall attend the meetings of the said committee, and shall, in proper books to be provided for that purpose, enter and keep true and perfect accounts of all the acts, proceedings and transactions of the said committee ; and that each and every of the said manufacturers shall and may at all convenient times have recourse to and peruse and inspect all such books gratis, and may demand and have copies thereof or of any part thereof, paying two-pence for every one hundred words so to be copied ; and if the clerk shall refuse to permit any such manufacturer to inspect such books, or refuse to make copies or extracts thereof, at the rate or times aforesaid, he

shall for every such offence forfeit the sum of five pounds, to be recovered in such manner as any other penalty inflicted by this Act is directed to be recovered.

[III.] AND be it further enacted, that for the purposes aforesaid a meeting of the said committee for the time being shall be held four times in every year; (that is to say,) on the Monday before Midsummer-day, on the Monday before Michaelmas-day, on the Monday before the Epiphany and on the Monday before Easter-day, at eleven of the clock in the forenoon of each and every of the said days, who shall have power to adjourn themselves from time to time as occasion may require; three of which said quarterly meetings of such committee shall be held at some place or places within the county of York and the other quarterly meeting shall be held at some place within the county of Lancaster, the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are hereinbefore appointed to be held which shall first happen after the election of such committee as aforesaid, and at such place as shall be fixed and agreed upon by such committee after their election; and at such first quarterly meeting and every subsequent quarterly meeting of such committee for the time being, a chairman for each of such said quarterly meetings being chosen, the place at which the then next following quarterly meeting shall be held shall be fixed upon and appointed by the majority of such committee then assembled; and the chairman of such committee is hereby required to cause fourteen days notice to be given of the time and place where the next following quarterly meeting of such committee is appointed to be held, in the Leeds and Manchester weekly newspapers: And all matters or things which shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee then present; and if there shall be an equality of votes upon any question which shall come before the said committee, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Committee to hold quarterly meetings.

Chairman to be chosen, &c.

Questions to be determined by a majority;

and chairman to have casting vote.

[IV.] PROVIDED nevertheless, that in case there shall not at any of such quarterly meetings be there present and assembled seven of the persons constituting such committee, then and in such case it is hereby declared that no business whatsoever shall be done at such meeting; and the majority of the persons then present shall appoint at what place the next quarterly meeting shall be held and give fourteen days notice thereof in the Leeds and Manchester weekly newspapers, in manner above mentioned.

No business to be done at quarterly meetings unless seven members are present.

[V.] AND be it further enacted, that if at any time it shall appear to any three or more of such committee for the time being that for the more effectual putting any of the powers granted by this Act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall and may be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where and the time when such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting seven of the said committee, it shall and may be lawful to and for the said committee so present to proceed in the execution of the powers given by this Act to such committee.

Three committee-men may call a special meeting.

New committee-men to be chosen in case of death, &c.

[VI.] AND be it further enacted, that in case any one or more of the said committee for the time being shall die, or shall decline business as a manufacturer, or shall go to reside in any distant part of the kingdom, or shall wilfully absent himself or themselves from the said quarterly meetings for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being, at any of their said quarterly meetings, there being seven of such committee then present, to choose another or other proper person or persons, being manufacturers of combing wool, worsted yarn or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

If committee neglect their duty,

justices of west riding may on complaint call a general meeting of manufacturers ;

and a new committee may be elected.

[VII.] AND be it enacted by the authority aforesaid, that if at any time hereafter it shall appear to any fifty or more of the said manufacturers of combing wool, worsted yarn or goods made from worsted, within the said counties of York, Lancaster and Chester, that the said committee for the time being neglect to discharge their duty, to the ends, intents and purposes for which such committee was appointed, and in case such fifty or more of such manufacturers so dissatisfied shall, in writing under their hands, make complaint thereof to the justices of the peace for the said west riding of the county of York, in any of the general or quarter sessions of the peace for the said west riding to be held and assembled, then and in such case it shall and may be lawful to and for such justices in such sessions assembled, and they are hereby required (if they shall think proper, after hearing the nature of such complaint), to call and appoint a general meeting of the manufacturers of combing wool, worsted yarn and goods made from worsted, within the said counties of York, Lancaster and Chester, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting of such manufacturers as aforesaid in the Leeds and Manchester weekly newspapers, setting forth the place where and time when such general meeting shall be held, the same not being less than twenty-one days after such notice given in the said papers, and which notice shall be continued in the said papers until such meeting shall be held ; and it shall and may be lawful to and for such manufacturers then present at such general meeting called and held in manner as aforesaid to elect, nominate and appoint a committee, consisting of the same number of persons and in the like manner and under and subject to the like orders, regulations and directions herein-before laid down and ordered for the election of the first committee ; and the persons so elected, nominated and appointed to be a new committee, in manner aforesaid, shall thereupon be invested with the same powers and authorities as the former committee were invested with.

Justices of west riding to appoint inspectors of worsted yarn.

[VIII.] AND for preventing frauds and abuses for the future by persons employed in the said manufactures of combing wool, worsted yarn and goods made from worsted, and for the more effectual carrying this Act into execution, be it further enacted, that the justices of the peace for the said west riding of the county of York, at their next quarter sessions of the peace to be holden for the said riding, or any adjournment thereof, after Midsummer next after the passing of this Act, shall and may and they are hereby authorised and required to appoint such persons, of good character and repute, within the said counties of York, Lancaster and Chester, as shall be recommended

to the said justices by the said committee of manufacturers, or any seven of such committee, in writing under their hands, to be inspectors of worsted yarn within the said counties of York, Lancaster and Chester.

[IX.] AND be it further enacted, that the said committee of manufacturers for the time being, or any seven of them, shall and may and they are hereby authorised to station such inspectors for such districts in the said counties of York, Lancaster and Chester as the said committee, or any seven of them, shall think proper; and shall and may assign, allow and pay to the said inspectors so appointed such yearly salaries as the said committee, or any seven of them, shall think proper, to be paid out of the fund herein-after mentioned to be raised for that and the other purposes of this Act; and also shall and may remove, dismiss and displace any of such inspectors who, by sickness or any other accident, shall be rendered incapable of serving the said office or shall misbehave or not conduct himself or themselves to the satisfaction of such committee.

Committee to station inspectors and allow them salaries, &c.

[X.] AND be it further enacted, that the said inspectors for the time being so appointed shall severally and respectively, in the several districts allotted to them by the said committee, use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former Acts; and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said counties of York, Lancaster and Chester, and also the hanks of worsted yarn, in order to see that the directions herein-after laid down for reeling such yarn be complied with; and also shall and do from time to time, when and as they or any of them shall detect any person or persons offending against this or the said former Acts, lodge informations against such offender or offenders before the proper justice or justices of the peace, and prosecute such offender or offenders to conviction: And, for the easier detection of all offenders against this and the said former Acts, it shall and may be lawful to and for every such inspector or inspectors, from time to time as occasion shall require, to demand entrance, at all seasonable hours, into the dwelling-house or dwelling-houses, shop or shops, outhouse or outhouses of any agents or persons hired or employed to put out wool to be spun, within the said counties of York, Lancaster and Chester, to inspect the yarn in the custody of any such agent or person hired or employed as afore-said, within the said counties of York, Lancaster and Chester, where he has any information of or suspects any false or short reeled yarn; and in case of refusal by any such agent or person hired or employed to put out wool to be spun into worsted yarn to permit and suffer such inspection, he, she or they so refusing shall forfeit and pay such sum of money, not exceeding ten pounds nor less than five pounds, as such justice or justices before whom he, she or they shall be convicted shall think proper, to be recovered and applied as hereafter mentioned.

Inspectors to use diligence in convicting and bringing offenders to justice, &c.

Power to enter houses, &c. and inspect yarn.

[XI.] AND be it further enacted, that every person or persons employed or undertaking to spin or reel worsted yarn for hire, in the counties of York, Lancaster and Chester, or any of them, shall reel, or cause or procure the same to be reeled, either upon a yard reel of thirty-six inches, or a two yard reel of seventy-two inches round; and when such worsted yarn shall be

Directions how worsted yarn shall be reeled.

so reeled, that each and every several hank of such worsted yarn shall consist of or contain seven raps or leas, and that each and every such rap or lea shall consist of or contain eighty threads of such worsted yarn.

Penalties on  
false reeling of  
worsted yarn,  
&c.

[XII.] AND be it further enacted by the authority aforesaid, that if any person or persons hired or employed in the combing of wool, or in the spinning, reeling, winding or weaving of worsted yarn, or in the preparing or working up any of the materials used in the said manufactures, in the said counties of York, Lancaster and Chester, or any of them, shall reel or cause to be reeled any worsted yarn contrary to the directions herein-before specified and laid down for the reeling such yarn, or shall conceal, keep back, embezzle, sell or otherwise dispose of any wool or other materials entrusted with him, her or them to spin, or other purposes, and shall of all or any of such several offences be lawfully convicted before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence or offences shall be committed, or where such offender so charged shall reside or inhabit, upon the oath of the owner of such yarn or wool, or upon the oath of the inspector or inspectors appointed as aforesaid, or of any one or more credible witness or witnesses (which oath such justice or justices is and are hereby impowered and required to administer), or by the confession of the person or persons charged with all or any of such offences, shall for each and every such offence be subject and liable to the same penalties and punishments as are severally inflicted by the said former Acts, so far as the said former Acts, or any of them, are unrepealed; all which penalties shall be recovered, and punishments inflicted, in the manner directed by the said Acts, or any of them, and which said penalties shall be publicly distributed by the constable of such township, parish or place where such offence or offences shall be committed, in the presence and under the direction of the said inspector or inspectors, amongst the poor of such township, parish or place last above mentioned.

Proviso.

[XIII.] PROVIDED nevertheless, that no part or share of such penalties or forfeitures be given to such offender or offenders, his, her or their family or families.

Penalty on  
agents refusing  
to discover  
persons guilty  
of reeling false  
yarn.

[XIV.] AND be it further enacted by the authority aforesaid, that if any agents or persons hired or employed to put out wool to be spun into worsted yarn, shall have in his, her or their custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse or not set forth and give in evidence, before any of his Majesty's justices of the peace for the said counties of York, Lancaster and Chester, or any riding, division, city, liberty, town or place within the same respectively, being thereto required, what person or persons was or were the reeler or reelers of such false or short reeled yarn, or who was or were hired or employed to reel the same, so that the person or persons who reeled or caused to be reeled such false or short yarn may be lawfully convicted thereof in manner aforesaid, he, she or they so refusing, and being thereof lawfully convicted, upon the oath of any person or persons, before such justice or justices of the peace as are herein-before mentioned, shall forfeit and pay the sum of five shillings for every parcel of yarn made up as and for a pound, so false or short reeled, which shall be found in his, her or their custody; all which penalties inflicted by this Act shall be recovered in the same manner as the penalties inflicted by the said former Acts are directed

to be recovered, and shall go, be paid and applied, by such person or persons, and in such manner and form, to the poor of the township, as the penalties herein-before mentioned are directed to be paid and applied.

[XV.] PROVIDED always, and be it further enacted, that if any person who shall be so appointed an inspector of worsted yarn shall happen to die, or shall be removed or displaced from his said office, it shall and may be lawful for the said justices of the peace of the said west riding of the county of York, in quarter sessions assembled as aforesaid, to license some other proper person or persons to be an inspector or inspectors of worsted yarn within the said counties of York, Lancaster and Chester, upon the like recommendation and in such manner as is herein-before mentioned; which said person or persons shall be invested with all the powers, and subject to the like removal, and liable to the like penalties for any breach or neglect of duty, as the inspector or inspectors in whose place or places he or they shall be appointed to succeed was invested with or subject and liable to.

Upon the death, &c. of inspectors, others to be appointed.

[XVI.] AND be it further enacted, that in case any inspector or inspectors so appointed as aforesaid shall at any time or times hereafter take or receive from any person or persons offending against this or the said former Acts any sum or sums of money, or any other thing whatsoever, to screen from justice, or otherwise to hinder or prevent such person or persons so offending as aforesaid from being convicted for such offence or offences, and being thereof convicted upon the oath of two or more credible witnesses, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence or offences shall be committed, or where the person or persons so charged shall reside or inhabit (which oath such justice or justices is and are hereby impowered to administer), then and in such case it shall and may be lawful to and for such justice or justices of the peace to commit such inspector or inspectors so offending to the house of correction or other publick prison in the county, riding, division, city, liberty, town or place where such offence shall be committed, for the space of one month.

Punishment of inspectors screening offenders from justice.

[XX.] AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following; (that is to say,)

How justices are to proceed on conviction of offenders.

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord \_\_\_\_\_ A.B. is convicted before me [or us] \_\_\_\_\_ of his Majesty's justices of the peace for [specifying the offence, and the place where the same was committed; and also specifying that it was the first, second or third offence against this Act, as the case shall be].

Form of conviction.

Given under my hand and seal [or our hands and seals] the day and year aforesaid.

Which conviction the said justice or justices shall cause to be fairly wrote on parchment, and returned to the next general quarter session of the peace for the county, riding, division, city, liberty, town or place where such conviction was made, to be filed by the clerk of the peace, and remain and be kept among the records of such county, riding, division, city, liberty, town or place.

Persons  
aggrieved may  
appeal to the  
quarter  
sessions.

[XXI.] AND it is hereby further enacted by the authority aforesaid, that if any person or persons shall find him, her or themselves aggrieved by any order or warrant made by any justice or justices, or upon any conviction before him or them in pursuance of this Act, such person or persons may appeal to the next general quarter sessions to be held for the county, riding, division, city, liberty, town or place where the offence shall be committed, which shall not be held within fourteen days next after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order therein shall be final.

Persons appeal-  
ing to give  
security to  
prosecute, &c.

[XXII.] PROVIDED nevertheless, that the person or persons appealing to the next general or quarter sessions of the peace as aforesaid shall give security to the satisfaction of the said justice or justices to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said general or quarter sessions, in case such order or judgement be affirmed; and the justices in the said general or quarter sessions are hereby authorised to hear and determine such appeal, and to make order therein, and to award such costs as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable by any writ of certiorari or otherwise into any of his Majesty's courts of record at Westminster or elsewhere.

Order of  
justices to be  
final.

Proceedings  
not to be  
quashed for  
want of form.  
Limitation of  
actions.

[XXIII.] PROVIDED nevertheless, and be it further enacted, that no order or other proceedings so made or had by or before any justice of the peace in relation to the premises shall be quashed or vacated for want of form only.

General issue.

[XXIV.\*] AND be it further enacted by the authority aforesaid, that if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this Act, every such suit or action shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be severally laid, brought and tried in the counties of York, Lancaster and Chester, as the case shall happen, and not elsewhere; and the defendant or defendants in such actions or suits shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this Act; and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law.

Treble costs.

[\* So much as relates to limitation of actions, pleading of general issue, and treble costs, rep., Stat. Law Rev. Act, 1861.]



[XXV.] AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same. Publick Act.

## CHAPTER XXIX.

AN ACT for the more effectual Prevention of the manufacturing of Ash, Elder, Sloe and other Leaves, in imitation of Tea, and to prevent Frauds in the Revenue of Excise in respect to Tea.

**W**HEREAS by an Act of Parliament made in the fourth year of the reign of his late Majesty King George the Second (intituled An Act to prevent frauds in the revenue of excise with respect to starch, coffee, tea and chocolate) it is enacted, that from and after the twenty-ninth day of September one thousand seven hundred and thirty-one, if any person or persons who should be a dealer in or seller of tea should dye, fabricate or manufacture any sloe leaves, liquorish leaves or the leaves of tea that had been used, or the leaves of any other tree, shrub or plant, in imitation of tea, or should mix, colour, stain or dye such leaves or tea with terra japonica, sugar, molasses, clay, logwood, or with any other ingredients or materials whatsoever, or should sell and vend, utter or offer or expose to sale, or should have in his, her or their custody any such dyed, fabricated or manufactured leaves in imitation of tea, or any such coloured, stained or dyed leaves, or tea mixed with any of the materials before-mentioned or with any other ingredients whatsoever, such person or persons should respectively for every pound of such leaves so dyed, fabricated or manufactured in imitation of tea, and for every pound of such mixed, coloured, stained or dyed leaves or tea, forfeit and pay the sum of ten pounds: And whereas great quantities of sloe leaves, and leaves of ash, elder and other trees, shrubs, and plants are dyed, fabricated and manufactured in imitation of tea by divers persons who sell the same so dyed, fabricated and manufactured to other persons being dealers in tea, smugglers and others, by whom the said manufactured leaves are mixed with tea, and sold and vended as true and real tea, but by reason that the persons so dying, fabricating and manufacturing the said leaves are not dealers in or sellers of tea, they are not punishable for the said offences by the laws now in being, whereby such evil practices are increased to a very great degree, to the injury and destruction of great quantities of timber, woods and underwoods, the prejudice of the health of his Majesty's subjects, the diminution of the revenue, the ruin of the fair trader, and to the encouragement of idleness: For remedy whereof, and for the more effectual prevention of such frauds and abuses for the future, be it enacted, and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June one thousand seven hundred and seventy-seven, if any person or persons whatsoever, whether he, she or they be a dealer or dealers in or a seller or sellers of tea or not, shall dye, fabricate or manufacture any sloe leaves, liquorish leaves or the leaves of tea that have been used, or the leaves

Preamble.

Act 4 Geo. 2.  
[c. 14.] recited.

Any person  
who, after  
June 1, 1777,  
shall dye or  
manufacture  
in imitation  
of tea any

leaves of tea that have been used, or any sloe, liquorish or elder leaves, &c., or shall sell or offer to sell the same, &c.,

shall, on conviction, forfeit 5*l.* for every pound of such leaves so dyed, &c.

Penalty on persons having more than 6 pounds of any such leaves in their possession, and not satisfactorily accounting for the same.

If any officer of excise, &c. shall make oath before a justice that he suspects any such leaves as aforesaid are concealed, such justice may grant a special warrant for entering any place in search of the same.

of any ash, elder or other tree, shrub or plant, in imitation of tea, or shall mix, colour, stain or dye any such leaves with terra japonica, copperas, sugar, molasses, clay, logwood, or with any other ingredients or materials whatsoever, or shall sell or vend, utter or offer or expose to sale, or shall have in his, her or their custody or possession any such dyed, fabricated or manufactured leaves in imitation of tea, or any such coloured, stained or dyed leaves, or any leaves that should be dying, fabricating or manufacturing in imitation of tea, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace for the county, city, riding, division, district or place wherein such offence shall have been committed, such person or persons shall respectively for every pound of such leaves so dyed, fabricated or manufactured in imitation of tea, or dying, fabricating or manufacturing in imitation of tea, and for every pound of such mixed, stained or dyed leaves of tea, forfeit and pay the sum of five pounds; and upon nonpayment thereof such justice or justices shall commit the offender or offenders to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months nor less than six months, or until the penalty and charges shall be paid.

[II.] AND it is further enacted by the authority aforesaid, that from and after the said first day of June one thousand seven hundred and seventy-seven, if any person or persons shall have in his, her or their custody or possession any quantity (exceeding six pounds weight) of sloe leaves, or the leaves of ash, elder or any other tree, shrub or plant, green or manufactured, and shall not prove to the satisfaction of the justice or justices before whom the matter shall be heard that such leaves were gathered with the consent of the owners of the trees, shrubs or plants from which the said leaves were taken, and that such leaves were gathered for some other use or uses, and not for the purpose of fabricating and manufacturing the same in imitation of tea, and shall be thereof convicted, by the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county, city, riding, division, district or place where such leaves shall be so found, such person or persons shall respectively for every pound of such green or manufactured leaves so found in his, her or their custody or possession as aforesaid forfeit and pay the sum of five pounds; and upon nonpayment thereof such justice or justices shall commit the offender to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months nor less than six months or until the penalty and charges shall be paid.

[III.] AND be it further enacted by the authority aforesaid, that if any officer or officers of his Majesty's revenue of excise or other person or persons shall have cause to suspect that any such leaves dyed, fabricated or manufactured, or leaves dying, fabricating or manufacturing in imitation of tea, or leaves intended so to be dyed, fabricated or manufactured, shall be hid, concealed or lodged in any place whatsoever, then and in such case, upon oath made by such officer or officers or other person or persons before any one or more justice or justices of the peace for the county, city, riding, division, district or place where the same shall be so suspected to be hid, concealed or lodged, setting forth the ground of such his, her or their suspicion, it shall

and may be lawful to and for the said justice or justices of the peace respectively before whom such affidavit or affidavits shall be made, if he or they shall judge it reasonable, by special warrant or warrants under his or their respective hand and seal or hands and seals, to authorize and empower such officer or officers, or other person or persons, by day or by night, but if in the night-time then in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places where he or they shall so suspect the said dyed, fabricated or manufactured, or other the said leaves shall be so hid, concealed or lodged, and to seize and carry away as forfeited all such leaves so dyed, fabricated or manufactured, or dying, fabricating or manufacturing, or intended to be so dyed, fabricated or manufactured, which he or they shall so find hid, concealed or lodged, together with all and singular the waggons, carts, boxes, bags, tubs or other vessels or package containing the same : And it shall and may be lawful to and for the said justice or justices so granting the said warrant, or any other justice or justices of the peace for the county, city, riding, division, district or place wherein such seizure shall be made, on proof of the premises, by oath of one or more credible witness or witnesses, by warrant or warrants under his or their hand or seal, hands or seals respectively, to order the said dyed, fabricated or other leaves so seized as aforesaid to be conveyed to some convenient place, and there to be burnt or otherwise destroyed, and to order the said waggons, carts, boxes, bags, tubs or other vessels or package containing the same as aforesaid to be forthwith sold, and the money arising by such sale, after deducting the charges of such seizure and sale, and of the burning or otherwise destroying of the said leaves, to go and be paid, one half to the informer and the other half to the poor of the parish where the offence shall be committed : And if any person or persons whatsoever shall let, obstruct or hinder such officer or officers, or other person or persons having such authority as aforesaid, from entering such places where he or they shall suspect such leaves to be so hid, concealed or lodged, or in seizing, carrying away, burning or otherwise destroying the same, or in seizing, carrying away or selling the said carts, waggons, boxes, bags, tubs or other vessels or package containing the same as aforesaid, the person or persons offending therein shall for every such offence forfeit and lose the sum of fifty pounds each on conviction thereof by the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace for the county, city, riding, division, district or place where such offence shall be committed ; and upon nonpayment of the said forfeiture such justice or justices shall commit the offender or offenders to the common gaol of the county or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding twelve months nor less than six months, or until the penalty and charges shall be paid.

[IV.] PROVIDED always, and it is hereby enacted by the authority aforesaid, that no such green and unmanufactured leaves so found hid, concealed or lodged as aforesaid shall be burnt or otherwise destroyed if the owner or owners thereof shall within twenty-four hours after such seizure prove to the satisfaction of the justice or justices granting the said warrant for seizing such leaves, or any other justice or justices of the peace for the county, city, riding, division, district or place where the same shall be so seized, that the said green or unmanufactured leaves were gathered with the consent of the

All such leaves so found to be destroyed, &c.

Penalty on persons obstructing officers in search of such leaves, &c.

Certain cases in which leaves found concealed shall not be destroyed, &c.

owner or owners of the trees, shrubs or plants from which the said leaves were taken, and that the same were so gathered for some other use or uses, and not for the purpose of dying, fabricating or manufacturing in imitation of tea as aforesaid; and if such proof shall within the time aforesaid be made to the satisfaction of the said justice or justices, then the said green or unmanufactured leaves, together with the carriages, vessels and package in which the same shall have been so seized, shall be forthwith restored to the owner or owners thereof by order of such justice or justices.

Leaves to be deemed in possession of occupier of house, &c. where found, who shall be liable to the penalties of this Act, if the same were lodged there with his consent.

[V.] AND be it further enacted by the authority aforesaid, that all such dyed, coloured, stained, fabricated and manufactured, and other leaves aforesaid shall be deemed and adjudged to be in the custody and possession of the occupier or occupiers of the dwelling-houses, out-houses, gardens and lands wherein or whereon the same shall be so found hid, concealed or lodged as aforesaid; and such occupier or occupiers of the said dwelling-houses, out-houses, gardens and lands shall be liable to all the pains and penalties by this Act inflicted on the person or persons having such dyed, coloured, stained, fabricated or manufactured, and other leaves in his her or their custody or possession, if it shall be proved to the satisfaction of the justice or justices before whom the matter shall be heard that such leaves were lodged in such dwelling-houses, out-houses, gardens or lands with the privity or consent of the said occupier or occupiers thereof.

Application of the forfeitures.

[VI.] AND be it further enacted by the authority aforesaid, that one moiety of all and every the forfeitures herein-before directed to be paid in pursuance of this Act shall go to the informer, and the other moiety to the poor of the parish where such offence shall be committed.

\* \* \* \* \*

Justices to put this Act in execution.

[VIII.] AND be it enacted by the authority aforesaid, that his Majesty's justices of the peace for the respective counties, cities, ridings, divisions, districts or places wherein any of the offences committed against this Act shall be done are hereby authorized to put this Act in execution, and to administer an oath to any such credible witness or witnesses.

Convictions of offenders to be certified to the next quarter sessions.

[IX.] AND be it further enacted by the authority aforesaid, that the conviction or convictions of all and every offender and offenders against this Act shall be certified by the justice or justices of the peace before whom the same shall be made to the next general quarter sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper, in the following form of words (as the case shall happen), or in any other form of words to the like effect; that is to say:

Form of conviction.

to wit. } BE it remembered, that on the                      day of  
                  } in the year                      A.B. was, upon the complaint of C.D.,  
convicted before                      of the justices of the peace for  
in pursuance of an Act passed in the seventeenth year of the reign of his  
Majesty King George the Third, for  
(as the case shall be).

Given under                      hand and seal, the day and year above written.

Conviction not to be quashed for want of form, &c.

Which said conviction shall be good and effectual in law to all intents and purposes, and shall not be quashed, set aside or adjudged void or insufficient

for want of any form or words whatsoever, nor shall the same be liable to be removed by certiorari into his Majesty's Court of King's Bench, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

### CHAPTER LIII.

AN ACT to promote the Residence of the Parochial Clergy by making Provision for the more speedy and effectual building, rebuilding, repairing or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices.

**W**HEREAS many of the parochial clergy, for want of proper habitations, are induced to reside at a distance from their benefices, by which means the parishioners lose the advantage of their instruction and hospitality, which were great objects in the original distribution of tythes and glebes for the endowment of churches : For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and seventy-seven, whenever the parson, vicar or other incumbent of any ecclesiastical living, parochial benefice, chapelry or perpetual curacy, being under the jurisdiction of the bishop or other ecclesiastical ordinary, whereon there is no house of habitation, or such house is become so ruinous and decayed or is so mean that one year's neat income and produce of such living will not be sufficient to build, rebuild or put the same, with the necessary offices belonging thereto, in sufficient repair, shall think fit to apply for the aid and assistance intended to be given by this Act, it shall and may be lawful for every such parson, vicar or incumbent (after having procured from some skilful and experienced workman or surveyor a certificate containing a state of the condition of the buildings on their respective glebes, and of the value of the timber and other materials thereupon fit to be employed in such buildings or repairs, or to be sold, and also a plan and estimate of the work proposed to be done (such state and estimate to be verified upon oath, taken before some justice of the peace or master in Chancery ordinary or extraordinary), and laid the same, together with a just and particular account in writing, signed by him, and verified upon oath taken as aforesaid, of the annual profits of such living, before the ordinary and patron of the living, and obtained their consent to such proposed new buildings or repairs by writing under their respective hands, in the form for that purpose contained in the schedule hereunto annexed) to borrow and take up at interest in the manner hereafter mentioned such sum or sums of money as the said estimate shall amount unto, after deducting the value of timber or other materials which may be thought proper to be sold, not exceeding two years neat income and produce of such living, after deducting all rents, stipends, taxes and other outgoings, excepting only the salaries to the assistant curate, where such a curate is necessary ; and as a security for the money so to be borrowed, to mortgage the glebe, tythes, rents and other profits and

Preamble.

Incumbent of any ecclesiastical living whereon there is no proper house, &c.

(with the consent of the ordinary and patron)

may borrow money to build one, &c.,

and mortgage the glebe, tythes, &c. for 25 years.

emoluments arising or to arise from such living to such person or persons who shall advance the same, by one or more deed or deeds, for the term of twenty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms, conditions, true intent and meaning of this Act, which mortgage deed or deeds shall be made in the forms or to the effect for that purpose contained in the said schedule, and shall bind every succeeding parson, vicar or incumbent of such living, until the principal and interest, costs and charges shall be paid off and discharged, as fully and effectually as if such successor had executed the same.

Mortgagee to execute a counterpart of mortgage, to be kept by the incumbent; and copy of mortgage to be registered.

[II.] AND be it further enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese where the parish lies, or other ordinary having episcopal jurisdiction therein for the time being, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of five shillings and no more for such register; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search; and the said deed, or a copy thereof, certified under the hand of the registrar, shall be allowed as legal evidence in case any such mortgage deed shall happen to be lost or destroyed.

On failure of payment of principal and interest for 40 days after due, mortgagee may distrain.

[III.] PROVIDED always, and be it further enacted, that whenever the principal and interest directed to be paid to the mortgagee under the several provisions of this Act shall be in arrear and unpaid for the space of forty days after the same shall become due, it shall and may be lawful for such mortgagee, his executors, administrators or assigns to recover the same, and the costs and charges attending the recovery thereof, by distress and sale, in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

Money borrowed to be paid to such persons as the ordinary, &c. shall appoint,

[IV.] AND be it further enacted, that the money so to be borrowed shall be paid into the hands of such person or persons as shall be nominated and appointed to receive and apply the same for the purposes aforesaid by the ordinary, patron and incumbent by writing under their respective hands in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary with sufficient surety in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this Act; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money: And the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the ordinary, patron and incumbent, and shall be specified in an instrument written upon parchment and signed by them in the form for that purpose contained in the said schedule; and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs according to the terms of such agreements, and shall take proper receipts and vouchers for the same; and as soon as such buildings or repairs shall be completed and the money

who shall contract for the buildings, &c. and see the same executed, and pay for them, &c.

paid, shall make out an account of his receipts and payments together with the vouchers for the same, and enter them in a book fairly written, which shall be signed by him and laid before the ordinary, patron and incumbent, and examined by them; and when allowed by writing under their respective hands in the form for that purpose contained in the said schedule, such allowance shall be a full discharge to the person so nominated in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said ordinary, patron and incumbent, or two of them, of which the said ordinary to be one, by order signed by them in the form for that purpose contained in the said schedule; and an account shall also be kept, made out and allowed of such further disbursements in manner aforesaid: All which accounts, when made out, completed and allowed, shall be deposited with the vouchers in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such living for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar or deputy registrar the sum of one shilling for every such inspection.

How the balance remaining shall be disposed of.

[V.] PROVIDED always, and be it further enacted, that every such ordinary, before he or they shall signify his or their consent in manner aforesaid, shall cause an enquiry to be made and certified to him or them by the archdeacon, chancellor of the diocese or other proper persons living in or near the parish where such buildings are proposed to be made or repaired, in the forms for that purpose specified in the said schedule, of the state and condition of such buildings at the time the incumbent entered upon such living or benefice, how long such incumbent had enjoyed such living or benefice, what money he had received or may be entitled to receive for dilapidations, and how and in what manner he had laid out what he had so received; and if it shall appear to them that such incumbent had by wilful negligence suffered such buildings to go out of repair, then to certify the same to the said ordinary, and also the amount of the damage which such buildings had sustained by the wilful neglect of such incumbent; and such incumbent, if the ordinary require it, shall pay the same into the hands of the nominee or nominees to be appointed under the authority of this Act, towards defraying the expences of building or repairs, before the ordinary shall give his consent as aforesaid.

Ordinary to cause enquiry to be made of the condition of the buildings when the incumbent entered on the living, &c.;

and incumbent, if required, to pay for damage caused by his neglect.

[VI.] AND be it further enacted, that the incumbent of every such living or benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, and he and they is and are hereby required to pay the interest arising upon every such mortgage yearly as the same shall become due or within one month after, and also five pounds per centum per annum of the principal remaining due, by yearly payments; . . . . . such payments to be respectively made at the same time such interest shall be paid, until the whole principal money and interest shall be fully paid and discharged; . . . . . and that every such incumbent shall annually, at his own expence, from the time such buildings authorised to be made by this Act shall be completed, insure at one of the publick offices established in London or Westminster for insurance

Directions for payment of principal and interest of the mortgages.

Incumbent, as soon as the buildings are completed, to insure them against fire.

of houses and buildings, the house and other buildings upon such glebe against accidents by fire at such sum of money as shall be agreed upon by the ordinary, patron and incumbent; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such insurance, the ordinary shall have power to sequester the profits of the living till such payment or insurance shall be made.

Clause for proportioning the annual payment in case of death or other avoidance.

[VII.] AND in order that the payment of such year may be justly and equitably ascertained and adjusted between the successor and the parson, vicar or incumbent avoiding such living or benefice by death or otherwise, or his representatives, in case of death or other avoidance, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death or avoidance shall happen; be it further enacted, that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman to be nominated by the ordinary, whose determination shall be final and conclusive between the parties, which nominations and determinations shall be made according to the forms for that purpose contained in the said schedule as near as conveniently may be.

The ordinary of any living worth 100*l.* per ann. which has no proper house of habitation and of which the incumbent is non-resident, may (if the incumbent neglect to make application, &c.) procure an estimate, &c., and proceed in the execution of this Act in such manner as the parson is directed to proceed.

[VIII.] AND be it further enacted, that where there shall be no house of habitation upon any ecclesiastical living or benefice so described as aforesaid, exceeding in clear yearly value one hundred pounds per annum, or being one, the same shall be so mean or in such a state of decay as aforesaid, and the incumbent shall not reside in the parish twenty weeks within any year, computing the same from the first day of January, it shall be lawful for the ordinary of such living or benefice, with the consent of the patron (in case the incumbent shall not think fit to lay out one year's income, where the same may be sufficient, to put the house and buildings in proper and sufficient repair, or to make such application as aforesaid for building, repairing or rebuilding such parsonage house), to procure such plan, estimate and certificate as herein directed, and at any time within the course of the succeeding year to proceed in the execution of the several purposes of this Act, in such manner as the parson, vicar or incumbent is hereby authorised and directed to proceed, and to make and execute such mortgage as aforesaid, which shall be binding upon the incumbent and his successors, and he and they shall be and are hereby made liable to the payment of the interest, principal and costs; and every such incumbent and his representatives shall be and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent, or avoidance of such living, according to the directions aforesaid, which said interest, principal and costs, and proportion of payments growing at the time of the death of such incumbent or avoidance shall and may be recovered against such incumbent, his successors or representatives respectively, by action of debt in any court of record.



[IX.] AND be it further enacted, that all sum and sums of money recovered or received by suit or compositions from the representatives of any former incumbent of such living or benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied as soon as received in payment of the principal then due, as far as the same will extend; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the ordinary, patron and incumbent, in case such nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such living or benefice, to be approved by the ordinary, patron and incumbent; and in the mean time, or in case such buildings shall not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

Money received for dilapidations, &c. shall be applied in part of the payments under the aforesaid estimate;

or in making additional improvements, &c.

[X.] PROVIDED always, and be it further enacted, that where new buildings are necessary to be provided or erected for the habitation and residence of the rector, vicar or other incumbent pursuant to the authority hereby given, it shall and may be lawful for the ordinary, patron and incumbent of every such living or benefice to contract, or to authorise, if they shall think fit, the person so to be nominated by them as aforesaid to contract, for the absolute purchase of any house or buildings in a situation convenient for the habitation and residence of the rector or vicar of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, benefice or chapelry; and also to contract for any land adjoining or lying convenient to such house or building, or to the house or building belonging to any parochial living or benefice having no glebe lying near or convenient to the same, not exceeding two acres, if the annual value of such living to be ascertained as aforesaid shall be less than one hundred pounds per annum, nor two acres for every one hundred pounds per annum if of greater value, and to cause the purchase-money for such house or buildings to be paid out of the money to arise under the powers and authorities of this Act; in all which cases the said buildings and lands shall be conveyed to the patron of such living or benefice, and his heirs, in trust for the sole use and benefit of the rector, vicar or other incumbent of such living or benefice for the time being, and their successors, and shall be annexed to such church or chapel, and be enjoyed and go in succession with the same for ever; but no contract so made by the nominee shall be valid until confirmed by the ordinary, patron and incumbent, by writing under their hands; and every such purchase-deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner and in such office as the other deeds are hereby directed to be registered.

Where new buildings are necessary for the residence of the incumbent, the ordinary, &c. may purchase any convenient house within one mile of the church;

and a certain portion of land.

[XI.] PROVIDED also, and be it further enacted, that when any such land lying near to the parsonage house and buildings belonging to such living or benefice, or to be so purchased or exchanged as aforesaid, shall be thought fit to be taken and used as a convenience for the same, the purchase-money or

Purchase money for such land to be raised by sale, &c. of part of the glebe or tythes.

equivalent for such land shall be raised and had by sale or exchange of some part of the glebe or tythes of such living or benefice which shall appear to the said ordinary, patron and incumbent most convenient for that purpose ; and every such sale or exchange shall be by deed in the form or to the effect contained in the schedule hereunto annexed, and registered as herein-before directed.

Governors of Queen Anne's bounty empowered to lend certain sums to promote the execution of this Act.

[XII.] AND be it further enacted, that it shall and may be lawful for the Governors authorised or appointed to regulate and superintend the bounty given by her late Majesty Queen Anne for the augmentation of the maintenance of the poor clergy, to advance and lend any sum or sums of money, not exceeding the sum of one hundred pounds in respect of each living or benefice, out of the money which has arisen or shall from time to time arise from that bounty, for promoting and assisting the several purposes of this Act with respect to any such livings or benefices as shall not exceed the clear annual improved value of fifty pounds ; and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are herein-before mentioned, but no interest shall be paid for the same ; and in cases where the annual value of such living or benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said Governors to advance and lend for the purposes of this Act any sum not exceeding two years income of such living or benefice upon such mortgage and security as aforesaid, and subject to the several regulations of this Act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Colleges in Oxford and Cambridge, and other corporate bodies, patrons of livings, may lend any sums without interest, to aid the execution of this Act.

[XIII.] AND be it further enacted, that it shall and may be lawful for any college or hall within the universities of Oxford and Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical livings or benefices, to advance and lend any sum or sums of money of which they have the power of disposing, in order to aid and assist the several purposes of this Act, for the building, rebuilding, repairing or purchasing of any houses or buildings for the habitation and convenience of the clergy upon livings or benefices under the patronage of such college or hall, upon the mortgage and security directed by this Act for the repayment of the principal, without taking any interest for the same.

Who is to act for any patron who shall be a minor, lunatick, &c.

[XIV.] AND be it further enacted, that whenever the patron of any living or benefice to which the provisions of this Act are proposed to be extended shall happen to be a minor, idiot, lunatick or feme-covert, it shall and may be lawful for the guardian, committee or husband of every such patron to transact the several matters aforesaid for such patron, who shall be bound thereby in such manner as if he or she had been of full age, of sound mind, or feme-sole, and had done such act, or given his or her consent thereto.

Instruments not liable to stamp duty.

[XV.] PROVIDED also, and be it further enacted, that all acts herein-before required to be done or consented to by the ordinary and patron shall be done by the ordinary alone, when such ordinary shall happen to be the patron of the living ; and that no deed, bond, transfer or other writing, instrument or proceeding made, had or done under the powers or authority of this Act shall be charged or chargeable with any stamp-duty or fee of office except as herein mentioned, any law or statute to the contrary notwithstanding.

[XVI.] PROVIDED always, and it is hereby further enacted, that in all cases where any act is required to be done by the ordinary in the execution of any of the purposes of this Act, and such ordinary shall be a body corporate aggregate, every such act shall be done and signified under the seal of such body corporate.

Proviso when the ordinary shall be a body corporate, &c.

[XVII.] PROVIDED always, and be it further enacted, that where the incumbent of any chapelry or perpetual cure shall be nominated by the rector or vicar of the parish wherein the same is situated, in every such case the consent of such rector or vicar, together with the consent of the patron of such rectory, shall be necessary in all such matters wherein the consent of the patron is required by the former provisions of this Act.

In certain cases the consent of the rector, &c. necessary.

[XVIII.] PROVIDED likewise, and be it further enacted, that whenever any controversy or dispute shall arise touching the residence of the incumbent, with respect to any of the matters contained in this Act, the same shall be adjusted and determined by the ordinary of the diocese.

Disputes touching the residence to be determined by the ordinary.

[XIX.] PROVIDED also, and be it further enacted, that it shall and may be lawful for the patron, ordinary and incumbent of any such living or benefice as aforesaid, or any two of them, of which the ordinary to be one, by writing under their hands to make such allowance to the person or persons to be nominated by them for the purpose of paying and applying the money so to be raised as aforesaid as they shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

Patron, &c. to make allowance to persons for applying the money, &c.

[XX.] PROVIDED also, and be it further enacted, that in all cases where the patronage of any living or benefice herein-before described shall be in the crown, and such living or benefice shall be above the yearly value of twenty pounds in the King's books, the consent of the crown to the several proceedings hereby authorized respecting such living or benefice shall be signified by the lord high treasurer or first lord commissioner of the Treasury for the time being; but if such living or benefice shall not exceed the value of twenty pounds in the King's books, such consent shall be signified by the lord high chancellor, lord keeper or commissioners of the great seal for the time being; or if such living or benefice shall be within the patronage of the crown in right of the duchy of Lancaster, then such consent shall be signified by the chancellor of the duchy for the time being, by writing under their respective hands in the form or to the effect for that purpose contained in the schedule hereunto annexed; and that in all such cases where such deed is hereby required to be executed by the patron as well as the ordinary and incumbent, such deed shall be valid and effectual to all intents and purposes whatsoever if executed by the ordinary and incumbent only, after such consent shall have been obtained as aforesaid from the said lord high treasurer, first commissioner of the Treasury, lord chancellor, lord keeper, lords commissioners of the great seal or chancellor of the duchy of Lancaster respectively, as the case shall be, provided such consent shall be registered at the register office aforesaid.

In what manner the consent of the crown shall be made known, in all cases where the patronage shall be in the crown.

[XXI.] AND be it further enacted, that it shall and may be lawful for any archbishop or bishop of any diocese, and also for any ecclesiastical corporation sole or aggregate, being lord or lords of any manor within which there shall be any waste or common lands, parcel of the demesnes of such manor, lying

Ecclesiastical corporations being lords of manors which contain any waste lands

convenient for  
the purposes  
of this Act  
may grant a  
part thereof in  
perpetuity, &c.

convenient for the house and buildings and other the purposes of this Act, to grant a part or parts of such waste or common lands in perpetuity for the several purposes of this Act, leaving sufficient common for the several persons having right of common upon such wastes or commons, and obtaining the consent of the lessee of such lands, if the same shall be in lease.

#### SCHEDULE to which the Bill refers.

FORM of the CONSENT of the Ordinary and Patron (to be written on parchment).

**A.** B., rector, vicar, &c. (as the case shall be) of the parish, chapelry or perpetual curacy (as the case shall be) of \_\_\_\_\_ in the county of \_\_\_\_\_ under the jurisdiction of the ordinary, having produced to us the said ordinary and \_\_\_\_\_ patron of the said church and living, a certificate under the hand of \_\_\_\_\_ a skilful and experienced workman or surveyor, of the state and condition of the buildings upon the glebe belonging to the said church, chapelry or perpetual curacy (as the case shall be), and of the value of the timber and other materials thereupon fit to be sold or employed about such buildings; and also a plan, made by the said \_\_\_\_\_ of the work proposed to be done by new buildings and repairs upon the said glebe, and an estimate of the expence attending the same, after applying the said materials, or the money to arise from the sale thereof, in such buildings and repairs; and also a particular account in writing, signed by the said A.B., of the annual profits of such living, and of the rents, stipends, taxes, and other outgoings annually issuing thereout, verified upon oath, pursuant to the directions of an Act passed in the seventeenth year of the reign of his Majesty King George the Third, "to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices;" and having considered such certificate, plan and account: Now we do approve thereof, and do consent that such buildings and repairs shall be made as therein specified; and that the said A.B. do borrow and take up at interest the sum of \_\_\_\_\_ being the estimate of the expences, after deducting the value of the timber and other materials thought proper to be sold, and which appears to us from the said account a sum not exceeding two years neat income and produce of the said living, which money is to be paid to (a person nominated by us and the said A.B.), and applied according to the direction of the said Act.

#### FORM of the MORTGAGE.

**T**HIS indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of his Majesty \_\_\_\_\_ between the Reverend rector or vicar, etc. of the parish church, curacy or chapelry of \_\_\_\_\_ and the diocese of the bishop of \_\_\_\_\_ of the one part, and \_\_\_\_\_ of the other part: Whereas the said \_\_\_\_\_ pursuant to the directions of an Act passed in

the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," hath obtained the consent of the ordinary of the said diocese, and the patron of the said church and living, to borrow and take up at interest the sum of \_\_\_\_\_ to be laid out and expended in building, rebuilding or repairing (as the case shall be) the parsonage house, and other necessary offices, upon the glebe belonging to the said church, chapel or curacy, as appears by an instrument signed by the said ordinary and patron hereunto annexed: And whereas the said \_\_\_\_\_ hath agreed to lend and advance the sum of \_\_\_\_\_ upon a mortgage of the glebe, tythes, rents, and other profits and emoluments of the said living, pursuant to the direction and the true intent and meaning of the said Act: Now this indenture witnesseth, that the said \_\_\_\_\_ in consideration of the sum of five shillings to him in hand paid, and of the sum of \_\_\_\_\_ paid at or before the sealing and delivery hereof into the hands of \_\_\_\_\_ (a person or persons (as the case shall be) nominated by the said ordinary, patron and incumbent to receive the same, pursuant to the direction of the said Act (which nomination is also hereunto annexed), and which receipt of the said sum of \_\_\_\_\_ the said \_\_\_\_\_ have or hath acknowledged, by an indorsement on the back of this deed), hath granted, bargained, sold and demised, and by these presents doth grant, bargain, sell and demise, unto the said \_\_\_\_\_ his executors, administrators and assigns, all the glebe lands, tythes, rents, moduses, compositions for tythe, salaries, stipends, fees, gratuities and other emoluments and profits whatsoever arising, coming, growing, renewing or payable to the rector, vicar or incumbent (as the case shall be) of the said living in respect thereof, with all and every their rights, privileges and appurtenances thereunto belonging, to have, hold, receive, take and enjoy the said premises, with their and every of their appurtenances, unto the said \_\_\_\_\_ his executors, administrators and assigns, from henceforth, for and during the term of \_\_\_\_\_ years, fully to be complete and ended, in as full, ample and beneficial manner, and with such remedies and powers for obtaining and recovering the same, and every part thereof, to all intents and purposes, as the said \_\_\_\_\_ his successors, rectors, vicars, etc. (as the case shall be) of the said church could or might or ought to have held, enjoyed, received, taken or recovered the same, if these presents had not been made:

In cases where the mortgage by this Act directed is to be made by the ordinary and patron alone, without the incumbent, this covenant and proviso are to be omitted, and the form is to be varied in such other respects as shall be necessary.

[And the said A.B. for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree to and with the said \_\_\_\_\_

his executors, administrators and assigns, that he the said A.B. during the time he shall continue rector, vicar, etc. of the said parish and parish church shall and will well and truly pay, or cause to be paid, unto the said \_\_\_\_\_ his executors, administrators or

assigns, interest for the said sum of \_\_\_\_\_, or so much thereof as shall remain due at the end of every year, to be computed from the day of the date of these presents, after the rate of \_\_\_\_\_ per centum per annum, by yearly payments, the first of the said payments to begin and be made on the \_\_\_\_\_ day of \_\_\_\_\_ next; and also, at the several times before mentioned for payment of the interest as aforesaid, shall and will well and truly pay, or cause to be paid, the sum of five pounds per centum per annum of the principal which remained due at the beginning of the year in which every such payment is to be paid, in case the said A.B. shall be resident upon the said living for the time mentioned in and according to the true intent and meaning of the said Act; and in case the said A.B. shall not reside upon the said living during the time mentioned in and according to the true intent and meaning of the said Act, he shall pay, or cause to be paid, the sum of ten pounds per centum per annum of the said principal money, by such yearly payments as aforesaid, instead of the said sum of five pounds per centum per annum [\*,] and shall and will continue such respective payments of the said interest, and on account of the said principal money, so long as he shall continue rector, vicar, &c. (as the case shall be) of the said parish and parish church, unless all the said principal money and interest for the same shall be sooner paid and discharged: Provided always, and these presents are upon this condition, that if the said A.B. and his successors shall well and truly pay, or cause to be paid, the said principal money and interest for the same in manner and at the times aforesaid according to the true intent and meaning of the said Act and of these presents, and also all costs and charges which shall have been occasioned by the nonpayment thereof, these presents and every thing herein contained shall cease and be void.] Provided also, that it shall and may be lawful for the said A.B. and his successors peaceably and quietly to hold, occupy, possess and enjoy all and singular the said glebe lands, tythes, rents, moduses, composition for tythes, stipends, fees, gratuities and other emoluments and profits whatsoever arising or to arise from or in respect of the said living, until default shall be made by him or them respectively in the payment of the interest and principal or some part thereof at the times and in the manner aforesaid. In witness, etc.

NOMINATION of a Clergyman by the Bishop to settle any dispute about the proportion of the payments within the year in which any avoidance shall happen.

**I** THE Right Reverend \_\_\_\_\_ bishop of \_\_\_\_\_ pursuant to the authority of an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," do hereby nominate the Reverend \_\_\_\_\_ being a clergyman within my said diocese, to adjust and determine the matter in dispute between the Reverend \_\_\_\_\_ clerk, the present incumbent of the rectory, vicarage, etc. of \_\_\_\_\_ within my diocese, and \_\_\_\_\_ the representatives of the \_\_\_\_\_ the last incumbent (in case of his death), or

[\* So much of the Act as requires the incumbent, if non-resident, to pay ten pounds per centum per annum, rep., 1 & 2 Vict. c. 23. s. 2.]

the said (in case of his resignation or promotion), concerning the due proportion to be paid by each of the said parties of the principal and interest which accrued due within the year in which such death or other avoidance happened, according to the direction, true intent and meaning of the said Act. Given under my hand this day of .

AWARD and DETERMINATION of the Clergyman nominated by the Bishop.

**I** THE Reverend A.B. of in the county of and diocese of the bishop of clerk, having been nominated by the said bishop pursuant to the power given by an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," to adjust and determine the matter in dispute between the Reverend clerk, the present incumbent of the rectory, vicarage, etc. of within the said diocese, and the representatives of the last incumbent (in case of his death), or the said (in case of his resignation or promotion), concerning the due proportion to be paid by each of the said parties of the principal and interest which accrued due within the year in which such (death or avoidance) happened, according to the direction and true intent and meaning of the said Act; and having heard and duly considered the said matters so referred to me as aforesaid, do award, adjudge and determine that the said shall pay in respect of the interest and principal which became due within the year aforesaid the sum of and that the said shall pay in respect of the same the sum of being the remainder thereof, according to the provision and direction of the said Act. Given under my hand this day of .

APPOINTMENT of the NOMINEE (to be wrote on parchment).

**W**E whose names are subscribed, being the ordinary, patron and incumbent of the rectory, vicarage, etc. of within the county of and diocese of the bishop of do hereby nominate and appoint of to receive the money authorized to be raised by an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," for the purpose of building, rebuilding, repairing or purchasing the parsonage house, etc. (as the case shall be) to the said rectory, vicarage, etc. belonging, and to pay and apply the same, and to enter into contracts with proper persons for such buildings or repairs, and to inspect and take care of the execution of such contracts, and to take such receipts and vouchers, keep such accounts, and do and perform all such other matters and things which nominees are authorized and required to do and perform in and by the said Act, the said having given security for the due application thereof, according to the direction of the said Act. Given under our hands this day of .

FORM of ORDER of the Ordinary, Patron and Incumbent for laying out or applying the surplus money.

**W**E whose names are subscribed, being the ordinary, patron and incumbent of the rectory, vicarage, etc. of \_\_\_\_\_ in the county of \_\_\_\_\_ and diocese of the bishop of \_\_\_\_\_ do hereby order that the sum of \_\_\_\_\_ now remaining in the hands of \_\_\_\_\_ the person nominated and appointed to receive and apply the money raised for building, repairing, etc. the parsonage house, etc. belonging to the said rectory, vicarage, etc. under the Act of Parliament passed in the seventeenth year of the reign of his Majesty King George the Third, intituled, "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," shall be [paid to \_\_\_\_\_ being the person entitled to receive the money now remaining due on the mortgage made of the glebe lands, tythes and other profits and emoluments of the said living, and applied in part of payment thereof, pursuant to the direction of the said Act], or [applied in building or repairing, etc. (describing the same) upon the glebe belonging to the said living]. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_.

FORM of CERTIFICATE from the two Clergymen.

**W**E, the Reverend A.B. of \_\_\_\_\_ in the county of \_\_\_\_\_ clerk, and C.D. of \_\_\_\_\_ clerk, being two clergymen within the diocese of the bishop of \_\_\_\_\_ do hereby certify to the said bishop, pursuant to the directions and instructions sent by him to us, that we have made enquiry into the state and condition of the buildings upon the glebe belonging to the rectory, vicarage, etc. of \_\_\_\_\_ within the said diocese at the time the Reverend \_\_\_\_\_ clerk, the present incumbent thereof, entered upon the said living, which was in or about the year of our Lord \_\_\_\_\_ and do find [that the same have been kept in due and common repair, without any wilful neglect (if the case is so)], or [that the same have by wilful negligence been suffered to go to decay, and that they have sustained damage from a want of common and ordinary repair to the amount of \_\_\_\_\_ pounds], and we have also enquired into the money received by the said \_\_\_\_\_ for dilapidations from the representatives of the former incumbent, and do find that he hath received the sum of \_\_\_\_\_ for such dilapidations; and [that he hath expended the whole, or \_\_\_\_\_ thereof (as the case may be), in the necessary repairs of the buildings], or [that the same hath not been laid out or expended in repairing the buildings] upon the glebe belonging to the said living. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_.

FORM of the DEED of Sale or Exchange of Lands or Tythes belonging to the Living or Benefice.

**T**HIS indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of his Majesty King George the \_\_\_\_\_ and in the year of our Lord \_\_\_\_\_ between A.B., ordinary of the rectory (vicarage, chapelry or perpetual cure, as the



case shall be) of \_\_\_\_\_ in the county of \_\_\_\_\_ C.D. of \_\_\_\_\_ patron of the said rectory, etc., and the Reverend E.F., clerk, incumbent of the said rectory, etc., of the one part, and G.H. of \_\_\_\_\_ of the other part: Whereas, in the execution of an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act," etc. (here set forth the title of the Act), it hath been found convenient to purchase (or exchange, as the case shall be) certain lands, etc. (describe particularly the lands purchased) lying near and convenient to the parsonage house belonging to the said rectory, etc. (or, if the house be lately purchased) [lying near a certain messuage, house or tenement, and buildings, lately purchased for the habitation of the minister of the said rectory, etc. under the powers of the said Act], and it hath been found most convenient, and agreed by the said ordinary, patron and incumbent, that the glebe lands (or tythes, as the case shall be) herein-after described belonging to the said rectory, etc. shall be sold to raise the sum of \_\_\_\_\_ being the purchase-money for the said lands herein-before described (or exchanged, if the same is to be done by exchange, in order to make an equivalent for such lands), and a contract hath been made with the said G.H. for the absolute sale, at the price or sum of \_\_\_\_\_ (or exchange, as the case shall be), of part of the glebe land (or of the tythes, as the case shall be) belonging to the said rectory, etc. herein-after mentioned; that is to say (here describe the particulars of the land or tythes proposed to be sold or exchanged), which contract is hereby ratified and confirmed by the said ordinary, patron and incumbent: Now this indenture witnesseth, that the said A.B., C.D. and E.F., in order to carry the said contract into execution, and to fulfil the purposes of the said recited Act, in pursuance of the powers thereby to them given, and in consideration of the sum of \_\_\_\_\_ the receipt whereof is acknowledged on the back of this deed, which sum hath been paid and applied in the purchase of the lands herein-before described, have, and each of them hath granted, bargained and sold (and exchanged, if the same be by exchange), and by these presents do, and each of them doth grant, bargain, sell (and exchange, if by exchange) unto the said G.H. and his heirs and assigns, all, etc. (here describe the lands or tythes, as the case shall be), with their and every of their rights, privileges and appurtenances, to hold to and to the use of the said G.H., his heirs and assigns for ever. (If done by exchange, add the following words) [in exchange for certain lands which belonged to the said G.H., and are by indentures of equal date herewith exchanged and conveyed to the said C.D. in trust for the sole use and benefit of the said E.F. and his successors, rectors, vicars, etc. (as the case shall be) of the said living or benefice for the time being, for ever.] And the said A.B., C.D. and E.F. do hereby severally covenant for themselves, their several executors and administrators, to and with the said G.H., his heirs and assigns, that they, nor any of them, have or hath done any act whereby the said lands (or tythes, as the case shall be) can or may be incumbered; and that the said G.H., his heirs and assigns, shall and may from time to time for ever hereafter peaceably and quietly hold and enjoy the said glebe lands or tythes (as the case shall be) according to the true intent and meaning of the said Act, without any lett, hindrance or interruption of or from them or any of them.

In witness, etc.

FORM of the DEED of Purchase or Exchange of Buildings or Lands to be annexed to the Living or Benefice.

THIS indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of his Majesty King \_\_\_\_\_ and in the year of our Lord \_\_\_\_\_ between A.B. of \_\_\_\_\_ of the one part, C.D., ordinary of the rectory, vicarage, chapelry or perpetual cure (as the case shall be) of \_\_\_\_\_ in the county of \_\_\_\_\_ E.F. of \_\_\_\_\_ patron of the said rectory, etc., and the Reverend G.H., clerk, incumbent of the said rectory, etc., of the other part : Whereas there is no parsonage house belonging to the said rectory, etc. (or) [the parsonage house belonging to the said rectory, etc. is become so ruinous and decayed (or so mean) that it is not fit for the habitation of the minister of the said rectory, etc.], and one year's neat income or produce of the said living or benefice will not be sufficient to rebuild or repair the said house with the necessary offices belonging thereto : And whereas a certain messuage, house or tenement, with the buildings thereunto belonging, situate in the property of the said A.B., and lying within the distance of \_\_\_\_\_ yards from the church (or chapel, as the case shall be) of the said rectory, etc., appears to the said ordinary, patron and incumbent proper and convenient for the habitation and use of the minister of the said rectory, etc. [and more commodious than the present house and buildings upon the glebe of the said rectory, etc.] (in cases where there are any) ; and a contract hath been made by the direction and with the approbation and consent of the said ordinary, patron and incumbent, with the said A.B., which is hereby ratified and confirmed by the said ordinary, patron and incumbent, for the absolute purchase of the said messuage, house or tenement and buildings, for the price or sum of \_\_\_\_\_ pursuant to the directions of an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act," etc. (set forth the title of the Act) :

This to be inserted when the lands are purchased from the same person who sells the house and buildings.

[And whereas a contract has likewise been made with the said A.B. by the like direction, approbation and consent, which is hereby likewise ratified and confirmed by the said ordinary, patron and incumbent, for the absolute purchase of the inheritance of a certain yard, garden, orchard and piece or parcel of land (describing them particularly, as the case shall be) lying near or convenient to the said messuage, house, tenement and buildings, containing by admeasure-ment \_\_\_\_\_ for the price or sum of \_\_\_\_\_ which have been agreed by the said ordinary, patron and incumbent to be raised by the sale (or exchange) of certain lands or tythes (as the case shall be) belonging to the said rectory, etc. herein-after described, pursuant to the powers given by the said Act ; viz. (here give a full description of the lands so agreed to be sold) ; (if the equivalent is to be by exchange, then after the word incumbent last mentioned, insert [and the said A.B. to be exchanged for] certain lands or tythes, etc. (as above))] : Now this indenture witnesseth,

that the said A.B. for and in consideration of the said several sums

of and to him in hand paid for the purchases aforesaid (if both the buildings and lands are purchased for money); (but if the equivalent for the land is to be by exchange, then) [in consideration of the said sum of for the purchase of the said messuage, house or tenement and buildings, and in consideration of the land (or tythes, as the case shall be) so agreed to be exchanged as aforesaid, and intended to be conveyed to him the said A.B. by the said ordinary, patron and incumbent, by indenture of equal date herewith] the receipt of which said sum (or sums of money, as the case shall be) [and acknowledgement of the said exchange] (if the equivalent for the land is to be by exchange) the said A.B. hath admitted by an indorsement on the back of this deed, hath granted, bargained and sold, and by these presents doth grant, bargain and sell (if by exchange) [hath granted, bargained, sold and exchanged with and] unto the said E.F. and his heirs, all, etc. (here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges and appurtenances), to hold to the said E.F. and his heirs, in trust for the sole use and benefit of the said G.H. and his successors, rectors, vicars, etc. (as the case shall be) of the said living or benefice for the time being, for ever: And the said A.B. for himself, his heirs, executors and administrators, doth covenant and agree to and with the said E.F. and his heirs, that he hath good right to convey the said messuage, house or tenement, and buildings, lands, etc. (as the case shall be), and that he will warrant the same for the uses and purposes aforesaid for ever, free from all claims, charges and incumbrances whatsoever by, from or under him or any of his ancestors. In witness, etc.

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**FORM of CONSENT where the Living or Benefice shall be in the Patronage of the Crown, or within the Duchy of Lancaster.**

WHEREAS the living or benefice of \_\_\_\_\_ within the diocese of \_\_\_\_\_ is in the patronage of | the crown, and rated above or under (as the case shall be) twenty pounds per annum in the King's books, | or of the chancellor of the duchy of Lancaster, as the case shall be), and application hath been made for building (rebuilding, repairing or purchasing or exchanging, as the case shall be) the parsonage house or other buildings or land (as the case shall be) for the use of the said living or benefice, in pursuance of the powers given for that purpose by an Act passed in the seventeenth year of the reign of his Majesty King George the Third, intituled "An Act to promote the residence of the parochial clergy, by "making provision for the more speedy and effectual building, rebuilding, "repairing or purchasing houses, and other necessary buildings and "tenements, for the use of their benefices:" Now, I, the Right Honourable \_\_\_\_\_ first lord commissioner of the Treasury, | lord high chancellor of Great Britain, | or chancellor of the duchy of Lancaster (as the case shall be), being satisfied that such building, rebuilding, repairing, purchasing or exchanging, etc. (as the case shall be) will be an improvement and advantage to the said living or benefice, do hereby consent that such

buildings, repairs, purchases or exchanges (as the case shall be) shall be made according to the directions and the true intent and meaning of the said Act. Given under my hand this day of

## CHAPTER LV.

### AN ACT for the better regulating the Hat Manufactory.

\* \* \* \* \*

Master hat-makers to employ a journeyman for every apprentice they shall take, provided a sufficient number of journeymen offer themselves.

[II.] PROVIDED always, and be it further enacted, that every master hatmaker shall and is hereby required to take and employ one journeyman hatter for every apprentice he shall employ in the trade of hatmaking, provided there shall be a sufficient number of journeymen batters, who have served as apprentices to the said trade, offer themselves for that employment; or in default thereof he shall for ever thereafter be disabled from taking more than two apprentices to the said trade, in such manner as he would have been if this Act had not been made.

Recital of Act 22 Geo. 2. [c. 27.]

[III.] AND whereas by an Act made in the twenty-second year of the reign of his late Majesty King George the Second (intituled An Act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and for preventing unlawful combinations of journeymen dyers and journeymen hot-pressers, and of all persons employed in the said several manufactures, and for the better payment of their wages), provision is made for the punishment of such journeymen and others employed in the several manufactures of hats or felts, and other the manufactures therein mentioned, as should . . . . . depart from their service before the end of their hiring, or quit or return their work before the same should be finished according to agreement, or who should wilfully damnify, spoil or destroy any of the goods, wares or work committed to their care, or wherewith they should be intrusted; but such provision hath been found ineffectual by reason that the persons convicted of any of such offences have a power to appeal to the justices at a quarter sessions against any conviction, without being obliged to enter into recognizances for their appearance at such sessions to prosecute such appeal and abide the order of such sessions, whereby they evade the punishment inflicted by the said Act, and hold the same in contempt: Be it therefore further enacted by the authority aforesaid, that if any journeyman hatter, hat-maker, piece-master, servant, workman or other person whatsoever employed in the making or finishing of hats or felts in any branch thereof shall be convicted in manner directed and prescribed by the said last-mentioned Act . . . . . of departing from his service before the end of the time for which he was hired or retained, or of quitting or returning his work before the same shall be finished according to agreement, or of wilfully spoiling or destroying any goods, wares or work, every such person so convicted, before he, she or they shall be entitled to appeal to the justices at the quarter sessions against any such conviction, or before the proceedings under such conviction shall be suspended, shall

Any journeyman hatter, &c. convicted of not finishing his work according to agreement, &c.

enter into recognizance with two sufficient sureties, the principal in the sum of ten pounds, and the two sureties in the sum of five pounds each, before one or more justice or justices of the peace for the county, city or place where the offence shall be committed, for the appearance of the person so convicted at such quarter sessions, to prosecute such appeal and abide the judgement and determination of the justices at such general quarter sessions (which recognizances the said justice or justices of the peace are hereby impowered and required to take); and the justices in the said general quarter sessions are hereby authorised and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to either party: And if upon the hearing such appeal the judgement of the justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately be committed to the common gaol or house of correction in pursuance of the original order of conviction, there to remain for the time which shall have been ordered and directed in such original order, and until the appellant shall pay the costs which shall be awarded against him by the justices in such general quarter sessions of the peace on the confirmation of such order.

shall, before he is allowed to appeal to the quarter sessions, enter into recognizance to prosecute the appeal and abide the judgement of the justices; who shall finally determine the same.

\* \* \* \* \*  
[VI.] AND be it enacted by the authority aforesaid, that no person or persons using or exercising the trade of a master hat-maker, hat-maker or felt-maker shall, during the time of his continuing to use or exercise such trade, be capable of acting as a justice of the peace in the execution of this or any other Act relative to the punishment of any journeyman hat-maker or apprentice who shall offend against this or any other Act made for the regulation of the said trade.

No hat-maker to act as a justice of peace in the execution of this Act, &c.

[VII.] PROVIDED always, and be it further enacted, that this Act, or any thing herein contained, shall not extend or be construed to extend to repeal the said Act made in the twenty-second year of the reign of his said late Majesty King George the Second, or any of the provisions therein contained, or any of the Acts therein mentioned; but that the said provisions shall remain in full force, and the penalties and forfeitures in the said Acts mentioned or recited, to which offenders are respectively subjected, may be levied, recovered and inflicted in the same manner as such penalties and forfeitures might have been levied, recovered and inflicted before the making of this Act, any thing herein contained to the contrary notwithstanding.

This Act not to repeal the Act 22 Geo. 2. [c. 27.], &c.

[VIII.] PROVIDED also, and be it further enacted, that it shall and may be lawful for any person convicted before one or more justice or justices of the peace of any of the offences in this Act mentioned to appeal to the justices of the peace assembled at the next general sessions or general quarter sessions to be held for the county, city, borough, town, liberty or place wherein such conviction shall be made, giving immediate notice of the intention of bringing such appeal, and finding security to the satisfaction of the justice or justices before whom such conviction shall have been made for being present at such general sessions or general quarter sessions, and for prosecuting the said appeal with effect and abiding the judgement of the court; and such justices in such general sessions or general quarter sessions shall finally hear and determine the matter, and shall have power to award reasonable costs to either party, as to them shall seem just; and if such

Any person convicted before a justice may appeal to the quarter sessions,

giving immediate notice, and finding sufficient security for prosecuting the appeal with effect, &c.

conviction shall be affirmed at such sessions, such appellant shall be committed to the common gaol or house of correction for any time not exceeding three months.

Limitation of actions.

[IX.] PROVIDED always, and be it further enacted by the authority aforesaid, that no action shall be brought against any justice of the peace, constable, headborough or other officer, or against any other person or persons whomsoever, for any matter or thing whatsoever done or committed under or by virtue or in the execution of this Act, unless such action shall be brought within three calendar months next after the doing or committing such matter or thing.

Defendants under this Act may plead the general issue,

[X.] PROVIDED also, that if any action or suit shall hereafter be commenced or prosecuted against any person or persons for any thing done by virtue or in the execution of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff shall become nonsuited, or suffer discontinuance, or forbear further prosecution, or if judgement shall be given for the defendant or defendants, such defendant or defendants shall recover double costs, for which he, she or they shall have the like remedy as in cases where costs by law are given to defendants. [Rep., 5 & 6 Vict. c. 97. s. 2.]

and recover double costs.

Publick Act.

[XI.] AND be it further enacted, that this Act shall be taken and allowed to be a publick Act in all courts within this kingdom, and all judges and justices of the peace are hereby required to take notice thereof as such, without specially pleading the same.

## CHAPTER LVI.

AN ACT for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures; and also for making Provisions to prevent Frauds by Journeymen Dyers. [a]

Preamble.  
Recital of  
Act 22 Geo. 2.  
[c. 27. s. 1.]

WHEREAS by an Act made in the twenty-second year of the reign of his late Majesty King George the Second (intituled An Act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and for preventing unlawful combinations of journeymen dyers and journeymen hot-pressers, and of all persons employed in the said several manufactures, and for the better payment of their wages) it was enacted, that if any person or persons whatsoever, who should be hired or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair or silk manufactures, or any manufactures made up of wool, fur, hemp, flax, cotton, mohair or silk or of any of the said materials mixed one with another, should, from and after the twenty-fourth day of June one thousand seven hundred and forty-nine, purloin, embezzle, secrete, sell, pawn, exchange or otherwise unlawfully dispose of any of the materials with which

[\* Rep. as to certain manufactures in England, 6 & 7 Vict. c. 40. s. 1.]

he, she or they should be respectively intrusted, whether the same or any part thereof be or be not first wrought, made up, manufactured or converted into merchantable wares, and should be thereof lawfully convicted in manner therein mentioned before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence should be committed, or where the person or persons so charged should reside or inhabit, it should and might be lawful to and for the said justice or justices, by warrant under his or their hand and seal or hands and seals, to commit the person or persons so convicted to the house of correction or other publick prison of such county, riding, division, city, liberty, town or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted to be once publicly whipped at the market-place or some other publick place of the city, town or place where such offender or offenders should be respectively committed; and in case of a further conviction, in manner before prescribed by the said Act, for or upon a second or other subsequent offence of the same kind, it should and might be lawful to and for the justice or justices before whom such conviction should be had to commit the person or persons so again offending to the house of correction or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months nor less than one month, and also to order the person or persons so again offending to be publicly whipped at the market-place or some other publick place of the city, town or place where such offender or offenders should be respectively committed, twice or oftener, as to such justice or justices should appear reasonable: And whereas it is thought necessary to vary the punishment for the offences herein-before recited: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand seven hundred and seventy-seven, so much of the said recited Act as prescribes what the punishment shall be in any of the cases before mentioned, or before whom such conviction shall be had, whether for a first offence or a second or any subsequent offence, shall be repealed; and instead of inflicting the punishment so directed, the justices of the peace before whom the conviction shall be shall commit the person convicted to the house of correction or other publick prison, there to be kept to hard labour, in the case of a first offence for any time not less than fourteen days nor more than three months, and in the case of a second or any subsequent offence for any time not less than three months nor more than six months; and may likewise for the first or for any subsequent offence order the person convicted to be once publicly whipped, if such additional punishment shall by the said justice or justices be deemed proper.

So much of the said Act as prescribes the punishments to be inflicted for embezzling, pawning, &c. of materials, repealed; and other punishments substituted instead thereof.

[II.] PROVIDED always, and be it further enacted by the authority aforesaid, that no person or persons who shall be charged with any offence or offences against the said recited Act of the twenty-second year of the reign of his late Majesty King George the Second shall be liable to be convicted, unless before two or more justices of the peace for the county, riding, division, city, liberty, town or place where the offence shall be committed, any thing contained in the said recited Act to the contrary hereof notwithstanding.

No person to be convicted, unless before two justices, &c.

Recital of Act  
22 Geo. 2.  
[c. 27. s. 2.]

[III.] AND whereas by the said Act of the twenty-second year of the reign of his late Majesty King George the Second it was also enacted, that if any person or persons should buy, receive, accept or take, by way of gift, pawn, pledge, sale or exchange, or in any other manner whatsoever, of or from any person or persons hired or employed to make any felt or hat, or to prepare or work up the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair or silk manufactures, or any manufactures made up of wool, fur, hemp, flax, cotton, mohair or silk, or of any of the said materials mixed one with another, any thrumbs or ends of yarn, or any other materials of wool, fur, hemp, flax, cotton or iron, or any leather, mohair or silk, whether the same or any part thereof be or be not first wrought, made up or manufactured, knowing the person or persons of whom he, she or they so buy, receive, accept or take the said materials to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her or them, who should offer to sell, pawn, pledge, exchange or otherwise dispose of the said materials, or should buy, receive, accept or take in any manner whatsoever of or from any other person or persons whomsoever any of the said materials, whether the same be or be not first wrought, made up or manufactured, knowing the same to be so purloined or embezzled, then and in every such case the person or persons so buying, receiving, accepting or taking any such materials, being thereof lawfully convicted in manner before prescribed by the said Act for the conviction of persons purloining or embezzling the said materials, should for the first offence forfeit the sum of twenty pounds; and in case the said forfeiture should not be immediately paid, the justice or justices before whom such conviction should be had should commit the party or parties so convicted to the house of correction or other publick prison as aforesaid, there to be kept to hard labour for the space of fourteen days, unless the said forfeiture should be sooner paid; and if within two days before the expiration of the said fourteen days the said forfeiture should not be paid, the said justice or justices is and are thereby impowered and required to order the person or persons so convicted to be publicly whipped at the market-place or some other publick place of the city, town or place where such offender or offenders should be respectively committed, once or oftener, as to such justice or justices should appear reasonable; and in case of a further conviction for or upon a second or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner before prescribed by the said Act, should for every second or other subsequent offence forfeit the sum of forty pounds; and in case the said forfeiture should not be immediately paid, the justice or justices before whom such conviction should be had should commit the party or parties so convicted to the house of correction or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months nor less than one month, unless the said forfeiture should be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders should be so committed the said forfeiture should not be paid, the said justice or justices is and are thereby impowered and required to order such offender or offenders to be publicly whipped at the market-place or some other publick place of the city, town



or place where he, she or they should be respectively committed, twice or oftener, as to such justice or justices should appear reasonable; and the said respective forfeitures of twenty pounds and forty pounds, when recovered, after satisfaction should have been made thereout to the party or parties injured, together with such costs of prosecution as should be judged reasonable by the justice or justices before whom such conviction should have been had, should be equally distributed amongst the poor of the parish or place where the person or persons so convicted should reside or inhabit: And whereas it is thought necessary to increase the pecuniary penalties directed by the said recited Act for the said offences last mentioned, and to vary the application of the said penalties for the same, and further to change the consequences of nonpayment: Be it therefore further enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven, so much of the said recited Act of the twenty-second of his late Majesty King George the Second as enacts what the penalty or punishment shall be for such buying, receiving, accepting or taking, by way of gift, pawn, pledge, sale or exchange, or in any other manner as is described by the said Act in the terms aforesaid, and how such penalty shall be applied, and what punishment shall be inflicted in case of nonpayment, shall be repealed; and instead thereof the penalty for the first offence shall be any sum not more than forty pounds nor less than twenty pounds, as the justices before whom the conviction shall be shall judge to be most proper; and every such pecuniary penalty shall be applied, under the direction of the justices before whom the conviction shall be, in manner following; (that is to say,) in the first place the expences of the prosecution shall be thereout defrayed, and then such satisfaction shall be made thereout to the party or parties injured as the said justices shall think proper; and afterwards so much of the said penalty shall be paid to the informer or informers as such justices shall think fit, not exceeding in any case ten pounds; and the remainder, if any, shall be paid and distributed to and amongst the poor of the parish, town or place where the conviction shall be, or for the use of such publick charity or charities as such justices shall appoint: And if such pecuniary penalty as aforesaid shall not be paid on conviction, the said justices shall commit the person convicted to the house of correction or other publick prison, there to be kept to hard labour for any time not more than six months nor less than three months, as the said justices shall think fit to direct, unless such pecuniary penalty shall be sooner paid; or the said justices may send the person convicted to the house of correction or other publick prison, there to remain for three days exclusive of the day of commitment, with an order that within the said time the person so convicted shall be once publicly whipped at such market-place or other publick place as aforesaid.

[IV.] AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and seventy-seven, if any person or persons shall be brought before any justices of the peace, and shall be charged upon oath, or (being of the people called Quakers) upon solemn affirmation, of having been guilty of buying, receiving, accepting or taking, by way of gift, pawn, pledge, sale or exchange, or in any other manner as is described by the said recited Act in the terms aforesaid, and it

So much of the said Act as enacts the punishments for buying, receiving, &c. any goods in the last-recited clause mentioned, repealed; and other punishments substituted instead thereof.

How justices to proceed when offenders are brought before them for a second offence.

shall appear to such justices that the person or persons so charged hath or have been already convicted of the like offence for which he, she or they is or are then charged, that then such justices shall not proceed to convict such person or persons, but shall commit him, her or them to the house of correction or some other publick prison, there to remain until the next general or general quarter sessions of the peace to be held in and for the county, riding, division, city, liberty, town or place where the offence shall have been committed, or until such offender or offenders shall have entered into a recognizance to answer for such offence at the said next general or general quarter sessions; and the justices in such general or general quarter sessions are hereby authorised and required to take cognizance thereof, and to hear and determine the same; and if such person shall be convicted upon the oath or (being of the people called Quakers) upon the affirmation of one or more credible witness or witnesses, the person so convicted shall forfeit and pay for such offence any sum not more than one hundred pounds nor less than fifty pounds, as the said justices shall judge to be most proper; and every such penalty shall be applied and disposed of under the direction of the said justices in their general or general quarter sessions in such manner and proportions as the penalty herein-before imposed for the first offence of the like nature is by this Act directed to be applied and disposed of; and if such penalty shall not be paid on conviction, the said justices shall commit the person so convicted to the house of correction or other publick prison, there to be kept to hard labour for any time not more than six months nor less than three months, as the said justices shall in their discretion think fit, unless such penalty shall be sooner paid; or the said justices may send the person convicted to the house of correction or other publick prison, there to remain for three days exclusive of the day of commitment, with an order that within the said time such person shall be once publicly whipped at such market-place or other publick place as aforesaid.

Any such offender convicted before the quarter sessions shall forfeit from 50*l.* to 100*l.*;

or be committed, &c.

Persons selling, pawning, &c. any such materials as aforesaid, knowing them to have been embezzled, shall be liable to the same punishment as for receiving embezzled materials.

How justices to proceed in relation to persons charged on oath with being suspected of having embezzled such materials, or of having received the same knowing them to have been embezzled, &c.

[V.] AND whereas many frauds are practised in respect to such materials as aforesaid by persons who sell them knowing them to have been purloined or embezzled: Be it therefore further enacted, that after the said first day of July one thousand seven hundred and seventy-seven, if any person shall sell, pawn, pledge, exchange or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange or otherwise unlawfully dispose of, any such materials as aforesaid, whether wrought or unwrought, mixed or unmixed, knowing them to have been purloined or embezzled, every such person lawfully convicted shall be liable to the same punishment as he or she would be liable to by virtue of this Act on being convicted of receiving purloined or embezzled materials, knowing them to have been purloined or embezzled.

[VI.] AND whereas such materials as aforesaid which have been purloined or embezzled are frequently received by persons knowing the same to have been so purloined or embezzled, and such materials being afterwards worked up or otherwise disposed of renders it difficult to convict such offenders: Be it therefore enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and seventy-seven, when any person or persons shall be brought or charged upon oath before any two or more justices of the peace, by virtue of this Act, with being suspected of or with having purloined or embezzled, or with having received any such

materials as aforesaid, whether the same be wrought or unwrought, mixed or unmixed, knowing the same to have been either purloined or embezzled, or received from some person or persons not intitled to dispose thereof, and it shall be made appear upon the oath, or (being of the people called Quakers) upon the affirmation of one or more credible witness or witnesses to the satisfaction of such justices, that such person or persons hath or have purloined or embezzled, or hath or have received any such materials as aforesaid, knowing the same to have been purloined or embezzled, or received from some person or persons not intitled to dispose thereof, it shall and may be lawful for such justices, or for the justices at their general or general quarter sessions of the peace, and they are hereby respectively authorized and impowered (if they shall think fit) to convict such person or persons of having purloined or embezzled or of having received such materials as aforesaid, knowing the same to have been purloined or embezzled, or received from some person or persons not intitled to dispose thereof, although no proof shall be given to whom such materials belong ; and the person or persons so convicted shall for every such offence be subject to such and the like penalties and punishments at the discretion of such justices respectively as persons convicted of buying or receiving any such materials as aforesaid, knowing the same to have been purloined or embezzled, are by this Act subject and liable to.

[VII.] AND whereas by the said recited Act of the twenty-second of King George the Second it was also enacted, that if any person or persons intrusted with any of the materials therein and herein-before mentioned, in order to prepare, work-up or manufacture the same, should not use all such materials in the preparing, working-up or manufacturing of the same, and should neglect or delay, for the space of twenty-one days after such materials should be prepared, worked-up or manufactured, to return (if required by the owner or owners of such materials so to do) so much of the said materials as should not be used as aforesaid to the person or persons intrusting him, her or them therewith, such neglect or delay should be deemed a purloining or embezzling of such materials ; and the person or persons so neglecting or delaying, being thereof convicted in manner therein-before prescribed for the conviction of offenders against the said Act, should suffer the like punishment as persons convicted of purloining or embezzling any of the materials therein-before mentioned are by the said Act rendered subject and liable to : And whereas the space of twenty-one days allowed by the said recited Act is thought too long a time to be allowed for returning the said materials under the circumstances and in manner aforesaid, and it may be proper to make the punishment for not returning such materials the same as for purloining or embezzling under this Act : Be it therefore further enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven, so much of the said recited Act as allows twenty-one days after the preparing, working-up or manufacturing the said materials for returning so much of the said materials as shall not be used in such preparing, working-up or manufacturing, and declares that the punishment for not so returning the said materials within the said time shall be the same as under the said Act is directed for purloining or embezzling, shall be repealed, and only eight days shall be allowed for returning the said materials in manner aforesaid, and the punishment for not returning them within the said eight days shall

Act 22 Geo. 2  
[c. 27. s. 7.]  
recited,

and altered.

be the same as is by this Act directed to be inflicted for purloining or embezzling.

Sect. [9.]  
of the said Act  
recited,

[VIII.] AND whereas by the said Act of the twenty-second year of the reign of his late Majesty King George the Second it is enacted, that from and after the said twenty-fourth day of June one thousand seven hundred and forty-nine, if any person who should be hired, retained or employed to prepare or work up any of the manufactures therein-before mentioned for any one master should neglect or refuse the performance thereof by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever, before he or she should have completed the work which he or she was first and originally so hired, retained or employed to perform, and which was first delivered to him or her, then and in every such case the person so offending, being thereof lawfully convicted by the oath or (being of the people called Quakers) affirmation of one or more credible witness or witnesses before one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where the offence or offences should be committed, should be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month: And whereas the said provision contained in the said recited clause is not found sufficient for the purpose intended, and it is apprehended that some other provision more proper may be made: Be it therefore further enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven the whole of the said last-recited clause shall be repealed; and that from and after the said first day of July one thousand seven hundred and seventy-seven, if any person being hired, retained or employed to prepare or work up any materials, whether mixed or unmixed, for any master or masters, shall wilfully neglect or refuse the performance thereof for eight days successively, or having taken in any materials, whether mixed or unmixed, for manufacture from one master, or two or more masters being co-partners, shall afterwards take in any materials, whether mixed or unmixed, for manufacture from any other master or masters, or shall procure or permit himself or herself to be employed or retained in any other occupation or employment whatsoever sooner than eight days before the completion of the work first taken, then in every such case such person being thereof lawfully convicted by the oath or (being of the people called Quakers) affirmation of one or more credible witness or witnesses before two or more justices of the peace of the county, riding, division, city, liberty, town or place where the offence or offences shall be committed, shall be sent to the house of correction or other publick prison, there to be kept to hard labour for any time not exceeding three months nor less than one month.

and repealed.

Any person  
being employed  
to work up  
materials, who  
shall neglect to  
perform the  
same for 8 days,  
&c., shall be  
sent to the  
house of  
correction.

If any person  
shall receive  
any materials  
to be manufac-  
tured in a ficti-  
tious name, or  
shall deliver the  
same to any  
other person  
without the  
consent of the  
owner, &c., he  
shall be liable

[IX.] AND whereas it frequently happens that persons receive the said materials in fictitious names in order to be manufactured, and that persons receive such materials in their own names in order to be manufactured by themselves, and afterwards deliver the same to others to be manufactured, without the knowledge or consent of the owners thereof, and that carriers or other persons employed to deliver materials to workmen to be prepared or manufactured do designedly deliver such materials to other persons than those intended by the owner of such materials: Be it therefore further enacted by the authority aforesaid, that from and after the said first day of July one

thousand seven hundred and seventy-seven, if any person shall receive any of the aforesaid materials in a fictitious name in order to be manufactured, or if any person shall receive in his or her own name any of the said materials in order to be manufactured by himself or herself, and afterwards deliver the same or any part thereof to any other person to be manufactured (without the consent of the owner thereof), or if any carrier or other person employed to deliver any such materials to any workman to be prepared or wrought up shall designedly deliver the same to any other person than the person to whom such materials were ordered or intended to be delivered by the owner thereof, all and every person and persons offending in any of the cases aforesaid shall for every such offence be liable to prosecution in the same manner and to the same punishment as is by this Act directed in respect to persons taking in any of the said materials in order to work up, and afterwards wilfully neglecting or refusing the performance of their work for the space of time aforesaid.

to the same punishment as persons neglecting to perform their work, &c.

[X.] AND whereas it frequently happens that materials used in the manufactures before mentioned are found or known to be concealed in the possession of persons who have received the same, knowing them to be purloined or embezzled, or of persons known not to be entitled to dispose of the same: And whereas the discovery and conviction of the purloiners and embezzlers, buyers and receivers of such materials is full of difficulty from the close and clandestine manner in which the offence is committed, and there is still greater difficulty in proving whose property such materials are, and it would tend to the discouragement and suppression of such offences if the discovery and conviction of such offenders were rendered more easy: And whereas by the said recited Act of the twenty-second year of his late Majesty King George the Second, justices of the peace, after conviction of any offender for purloining or embezzling the said materials or for buying or receiving the same, are authorised to grant warrants for searching the houses and other places of the persons so convicted, but no such authority is given before conviction, nor in any other house or place except such as belongs to a person convicted: Be it therefore further enacted, that it shall and may be lawful for any two justices of the peace of any county, riding, division, city, liberty, town or place, upon complaint made to them upon oath by any one credible person, or (being of the people called Quakers) upon solemn affirmation, that there is cause to suspect that any such purloined or embezzled materials, whether mixed or unmixed, wrought or unwrought, are concealed in any dwelling-house, out-house, yard, garden or other place or places, by virtue of a warrant under their hands and seals to cause every such dwelling-house, out-house, yard, garden or place to be searched in the day-time; and if any such materials suspected to be purloined or embezzled shall be found therein, to cause the same, and the person or persons in whose house, out-house, yard, garden or other place the same shall be found, to be brought before any two justices of the peace for the same county, riding, division, city, liberty, town or place; and if the said person or persons shall not give an account to the satisfaction of such justices how he, she or they came by the same, then the said person or persons so offending shall be deemed and adjudged guilty of a misdemeanor, and shall be punished in manner herein-after mentioned, although no proof shall be given to whom such materials belong.

Preamble.

Justices, on receiving complaint on oath that embezzled materials are suspected to be concealed in any house, &c. may grant a warrant for searching the same.

How persons shall be punished in whose possession such materials shall be found.

Peace officers in towns corporate, &c. may apprehend all persons suspected of having or carrying after sun-set any materials suspected to be purloined, &c.

[XI.] AND be it further enacted, that every peace officer, constable, head-borough or tythingman in every county, city, town corporate or other place where there shall be officers, and every beadle within his ward, parish or district, and every watchman during such time only as he is on his duty, shall and may apprehend or cause to be apprehended all and every person or persons who may reasonably be suspected of having or carrying, or any ways conveying, at any time after sun-setting and before sun-rising, any of such materials suspected to be purloined or embezzled, and the same together with such person or persons as soon as conveniently may be convey or carry before any two justices of the peace for the county, riding, division, city, liberty, town or place within which the suspected person or persons shall be apprehended; and if the person or persons so apprehended in conveying any such materials shall not produce the party or parties duly intitled to dispose thereof from whom he, she or they bought or received the same, or some other credible witness, to testify upon oath, or (being of the people called Quakers) upon solemn affirmation, to the sale or delivery of the said materials (which oath or affirmation respectively such justices are hereby impowered to administer), or shall not give an account to the satisfaction of such justices how he, she or they came by the same, then the said person or persons so apprehended shall be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned, although no proof shall be given to whom such materials belong.

Justices may, at the request of persons brought before them, appoint a reasonable time to produce the persons intitled to dispose of the materials, &c.,

[XII.] PROVIDED always, and be it further enacted, that in either of the two cases last before mentioned, when any person or persons who shall be brought before any two justices of the peace shall request of such justices to appoint a reasonable time to produce the person or persons duly intitled to sell or dispose of the same of or from whom he, she or they bought or received the same, or some one or more credible witness or witnesses to prove the sale or delivery thereof, then and in such case it shall and may be lawful for the said justices, and they are hereby authorized and required to appoint such reasonable time as aforesaid, and to issue out a summons to the constable or other peace officer of the parish or place where such person or persons, or such witness or witnesses, shall respectively reside, requiring him, her or them to appear before two or more justices, at such time and place as shall be so appointed by such justices, in order to be examined and give evidence on oath or (being of the people called Quakers) solemn affirmation of the several matters aforesaid; but such person or persons, at the time of making such request, shall enter into a recognizance, with or without surety or sureties, as such justices shall think proper, for his, her or their appearance before them, at the time so to be set, or for want of such recognizance as aforesaid shall be committed until the time that shall be set or appointed by the said justices for the appearance of such party or parties, witness or witnesses; and if at such appointed time such person or persons shall be convicted of any of the offences aforesaid, then and in such case he, she or they shall suffer such punishment as is herein-before directed to be inflicted on persons guilty of such offences.

on the persons making such request entering into a recognizance, &c.

On any person being convicted of a misdemeanor as

[XIII.] AND be it further enacted, that where any person or persons shall be convicted of a misdemeanor in either of the two cases last before mentioned, it shall and may be lawful for the justices before whom the conviction shall

be to cause the said materials so found or seized as aforesaid to be deposited in the hands of the churchwardens or overseers of the poor of the place where such materials shall be found or seized, or in any other convenient place, for any time not exceeding thirty days, and in the mean time to order the said churchwardens and overseers of the poor, or one of them, to insert an advertisement in some one or more of the publick newspapers usually published or circulated in or near such place, or otherwise to cause notice to be given by some publick crier, and by fixing on the church or chapel door notice describing such materials, and where the same are so deposited, to the end that persons having lost such materials, or any reputable person or persons in their behalf, may come and claim the same : And in case any person or persons can prove his, her or their property in the said materials upon oath, or (being of the people called Quakers) upon his, her or their solemn affirmation, to the satisfaction of any two justices of the peace for such county, riding, division, city, liberty, town or place, then such justices shall order restitution of such materials to the owner or owners thereof, after paying the reasonable charges of removing, depositing and giving publick notice of the same ; but if before the end of the said thirty days no person or persons shall come and prove his, her or their property in such materials, nor any reputable person or persons on his, her or their behalf, then the said justices shall order and direct the same to be sold for the best price that can reasonably be had, and after deducting such charges as aforesaid, together with the charges of sale, one moiety of the money arising from such sale shall be given to the person or persons or either of them who shall apprehend or prosecute the offender or offenders guilty of either of the misdemeanors aforesaid, as the said justices shall appoint, and the other moiety thereof either to and amongst the poor of the parish, town, or place where the conviction shall be, or to such publick charity or charities as the justices convicting shall appoint.

[XIV.] AND be it further enacted, that every person deemed and adjudged guilty of a misdemeanor in having in his or her possession any materials suspected to be purloined or embezzled, and not producing the party or parties being duly intitled to dispose of the same, of whom he or she bought or received the same, nor giving a satisfactory account how he or she came by the same, or of a misdemeanor in having, carrying or conveying of the said materials suspected to be purloined or embezzled, and not producing the party or parties being duly intitled to dispose of the same, of whom he or she bought or received the same, nor any credible witness to testify upon oath or (being of the people called Quakers) upon solemn affirmation the sale or delivery thereof, nor giving a satisfactory account how he or she came by the same (as the case shall be), shall for every such misdemeanor forfeit for the first offence the sum of twenty pounds, and for the second offence the sum of thirty pounds, and for every subsequent offence the sum of forty pounds ; all which said respective forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him or her the overplus, after charges of the said distress and sale deducted), by warrant under the hands and seals of the justices before whom such offender shall be deemed and adjudged guilty ; of which forfeiture one moiety shall be paid to the informer and the other moiety thereof to and amongst the poor of the parish, town or place where

aforesaid, the materials so found may be deposited in the hands of the churchwardens, &c.

If any person can prove his property in the said materials, they shall be delivered to him, on paying the charges of removing, &c.

But if no person prove his property in them, they shall be sold, &c.

Penalty on persons having in their possession materials suspected to be purloined, &c.

Forfeitures may be levied by distress.

On failure of distress, offender to be committed.

such conviction shall be, or to such publick charity or charities as the justices convicting shall appoint; and if no sufficient distress shall be found whereon to levy the said respective forfeitures, then the said justices shall and may commit every such offender so respectively deemed and adjudged guilty as aforesaid to the common gaol or other prison or house of correction within his or their jurisdiction, without bail or mainprize, for the space of one month for the first offence, and for the second offence for the space of two months, and for every subsequent offence for the space of six months.

Owners of materials delivered to journeymen, &c. to be worked up, may, at all seasonable hours, enter their shops or outhouses to inspect their materials.

[XV.] AND whereas it sometimes happens, by occasion of the very long detention of such materials as aforesaid delivered out to journeymen or other persons employed to work up the same, it cannot be known to the master or owners of such materials whether the same may have been purloined or embezzled, or whether the said materials are wholly or in part wrought or begun to be wrought, or in what state or condition such materials may be: For remedy whereof, be it further enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven, it shall be lawful for the owner or owners of any such materials from time to time as occasion shall require to demand entrance, and enter at all seasonable hours in the day-time into the shops or outhouses of any person or persons employed by him or them to work up any of the said materials, or other place or places where the work shall be carried on, and there to inspect the state and condition of such materials; and in case of refusal by any such person or persons so employed to permit such entrance or inspection, he, she or they so refusing shall forfeit and pay such sum of money, not exceeding forty shillings nor less than ten shillings, as the justices before whom he, she or they shall be convicted shall think proper, to be recovered and applied in the same manner as is by this Act directed for the misdemeanor of being in the possession of any such materials without being able to account satisfactorily for such possession.

Penalty on refusal of entrance, &c.

All penalties in the Act 22 Geo. 2. [c. 27.] and in this Act relating to the said materials shall be applicable to the tools, &c. with which any person is entrusted for manufacturing the same.

[XVI.] AND whereas the said recited Act of the twenty-second year of the reign of his late Majesty King George the Second contains no provision for the protection and recovery of the tools and implements with which any person or persons employed in preparing, working up or manufacturing such materials as aforesaid shall be entrusted for that purpose, nor any provision in respect to the drugs and ingredients used in dying, preparing or manufacturing such of the said materials as are usually dyed, prepared or manufactured: Be it therefore enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven, every penalty or punishment directed by, or other provision contained in the said recited Act in respect to the said materials, so far as the said recited Act is not varied by this Act, and all the provisions in this Act contained in respect to the said materials, shall extend and be applicable to any tool or tools, and implement or implements, with which any person or persons shall be entrusted for making, working up or manufacturing the said materials, and also to any drug or drugs, ingredient or ingredients, with which any person or persons shall be entrusted for the purpose of dying, preparing or manufacturing such of the aforesaid materials as are usually dyed, prepared or manufactured, in the same manner as if the said tools and implements, drugs and ingredients, were particularly mentioned both in the said recited Act and in the preceding provisions of this Act.



[XVII.] AND whereas journeymen dyers, servants and apprentices frequently abuse the trust reposed in them, by dying goods for their own profit, without the consent of their masters: Be it therefore enacted, that from and after the said first day of July one thousand seven hundred and seventy-seven, if any person hired, retained or employed as a journeyman dyer, or as a servant or apprentice, in the dying of any felt or hat, or any woollen, linen, fustian, cotton, leather, fur, flax, mohair or silk materials, whether the same shall be wrought or unwrought, or shall be mixed or unmixed with other of the said materials, shall, without the consent of the master, person or persons by whom such journeyman, servant or apprentice shall be hired, retained or employed, wilfully dye any of the said materials, whether wrought or unwrought, or mixed or unmixed with other of the said materials, or without such consent shall wilfully receive any such materials as aforesaid for the purpose of dying the same, whether the same shall be dyed or prepared for dying, he or she so guilty of either of the said offences shall for the first offence forfeit the sum of ten shillings, and for the second offence the sum of twenty shillings, and for every subsequent offence the sum of forty shillings; or if any person shall procure any such materials as aforesaid to be dyed by any person so hired, retained or employed as a journeyman, servant or apprentice, without the consent of his or her master or employer, or shall offer any such materials to any such journeyman, servant or apprentice for the purpose aforesaid, he or she so offending, being thereof lawfully convicted by the oath or (being of the people called Quakers) affirmation of one or more credible witness or witnesses, before two or more justices of the peace for the county, riding, division, city, liberty, town or place where the offence shall be committed, shall for the first offence forfeit the sum of five shillings, and for the second offence the sum of twenty shillings, and for every subsequent offence the sum of four pounds; and each of the said penalties shall be paid to the informer or informers; and in case of nonpayment on conviction, the person so convicted shall be committed, by the justices before whom the conviction shall be, to the common gaol or house of correction, to remain for any time not exceeding one month, as such justices shall order and direct.

If any journeyman dyer, &c. shall, without the consent of his employer, dye any woollen, linen, &c.,

he shall forfeit for the first offence 10s., &c.;

or if any person shall procure any such materials to be so dyed,

he shall forfeit for the first offence 5s., &c.

\* \* \* \* \*

[XIX.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town or place, and he is hereby required, upon complaint to him made upon oath or (if the person complaining be of the people called Quakers) solemn affirmation of any offence committed against this Act within the same county, riding, division, city, liberty, town or place, to issue his warrant for apprehending and bringing before any two or more justices of the peace of the same county, riding, division, city, liberty, town or place the person or persons charged with such offence; and the justices before whom such person or persons shall be brought are hereby authorised and required to hear and determine the matter of such complaint, and to proceed to judgement and conviction thereupon.

Justice of peace, on complaint to him made upon oath of any offence against this Act, may issue his warrant for apprehending the offender.

[XX.] AND whereas the said Act of the twenty-second year of the reign of his late Majesty King George the Second only gives an appeal from an order of any justice or justices of the peace to the general or general quarter sessions of the peace where an order is made by any justice or justices of the

Preamble.

12 Geo. 1.  
[c. 34.]

22 Geo. 2.  
[c. 27.]

Persons ag-  
grieved by the  
order of any  
two justices,  
&c. may appeal  
to the quarter  
sessions;

giving notice  
to such justices  
of their inten-  
tion to appeal,  
and entering  
into recogni-  
zance, &c.

How the delin-  
quent shall be  
punished in  
case the ses-  
sions confirm  
his conviction.

peace in the case of the buyer or receiver of such purloined or embezzled materials as aforesaid, and in respect to the sale or disposal of such materials found on searching by warrant, after any conviction for purloining or embezzling, or for receiving or buying such purloined or embezzled materials : And whereas it is thought more proper to give a right of appealing in the case of other orders of any justice or justices of the peace to be made by force of an Act made in the twelfth year of the reign of his late Majesty King George the First (intituled An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages), and of the said Act, and also in the case of all orders to be made by any justices of the peace under this Act : Be it therefore further enacted, that if any person shall think himself or herself aggrieved by the order or judgement of any two justices before whom he or she shall have been convicted of any of the offences in the said Acts of the twelfth year of the reign of King George the First and the twenty-second year of the reign of King George the Second, or in this Act, such person may appeal, and the said justices are hereby required to make known to such person, at the time of such conviction, his or her right to appeal, to the next general or general quarter sessions of the peace to be holden for the county, riding, division, city, liberty, town or place where such conviction shall have been made (such person, at the time of such conviction, giving to such justices notice in writing of his or her intention to appeal, and also entering into a recognizance at the time of such notice with sufficient sureties, conditioned to try such appeal and to abide the judgement of and pay such costs as shall be awarded by the justices at such sessions); but if the person giving such notice of appeal shall not at the time of giving such notice enter into such recognizance as aforesaid, then the justices to whom such notice of appeal shall have been given shall and may commit such person or persons to the house of correction or other publick prison of such county, riding, division, city, liberty, town or place, there to remain until the said next general or general quarter sessions of the peace to be holden in and for such place, unless such recognizance shall be sooner entered into ; and the said justices before whom such conviction shall have been made, or any other two or more justices of the same county, riding, division, city, liberty, town or place, are hereby empowered and required to take, and the justices at such sessions are hereby authorised and required, upon due proof made of such notice of appeal, either by the acknowledgment of the justices to whom the same shall have been given or otherwise, to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party : And if upon the hearing of such appeal the judgement of the justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall, within forty-eight hours next after the same shall be so affirmed, suffer such corporal punishment as shall have been directed to be inflicted upon him or her for the offence whereof he or she shall have been convicted, or shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said sessions shall award to be paid by him or her for defraying the expences sustained by the defendant or defendants in such appeal ; or in default of making such payments shall be committed to the common gaol or house of correction in the same manner and for the same

time, to be computed from the affirmance of such conviction, as shall be directed by the original judgement of conviction, unless the person or persons so convicted shall have been imprisoned under the original conviction, in which case the time for which such person or persons shall have been so confined shall be included in the order of confirmation.

[XXI.] AND whereas an Act passed in the twenty-third year of the reign of his late Majesty King George the Second (intituled An Act for the more effectually punishing of persons convicted of seducing artificers in the manufactures of Great Britain or Ireland out of the dominions of the crown of Great Britain, and to prevent the exportation of utensils made use of in the woollen and silk manufactures from Great Britain or Ireland into foreign parts, and for the more easy and speedy determination of appeals allowed in certain cases by an Act made in the last session of Parliament, relating to persons employed in the several manufactures therein mentioned) prescribes a form for conviction of the several offences mentioned in the said recited Act of the twenty-second of George the Second, but such form is not adapted to the said last-mentioned Act as altered by this Act, and it may be useful to have one general form for the said recited Act of the twenty-second of George the Second and this Act: Be it therefore further enacted, that in respect to all offences which from and after the said first day of July one thousand seven hundred and seventy-seven shall be committed against the said recited Act of the twenty-second of George the Second, so much of the said Act of the twenty-third of George the Second as prescribes a form of conviction for offences against the said Act of the twenty-second of George the Second shall be repealed, and that from and after the said first day of July one thousand seven hundred and seventy-seven the justices before whom any offender shall be convicted of any offence either against the said Act of the twenty-second of George the Second, or varied by this Act, or against this Act, shall cause the conviction to be certified to the next general or general quarter session of the peace to be held in and for the county, riding, division, city, liberty, town or place where such conviction was made, to be filed with the records of such sessions; and such conviction shall and may be drawn up and written on parchment, and certified in the following form of words, as far as the name of the person and the nature of the case will admit of; (that is to say,)

Part of Act  
23 Geo. 2.  
[c. 13.] re-  
pealed.

How justices to  
proceed for  
conviction of  
offenders  
against 22 Geo.  
2. [c. 27.]  
or this Act.

Middlesex (or any other place, as the case shall be) to wit. } **BE** it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ A.B. was convicted before us \_\_\_\_\_ of his Majesty's justices of the peace in and for the said county of \_\_\_\_\_ or for the riding of the said county of \_\_\_\_\_ or for the city, liberty, town or place aforesaid, in the said county \_\_\_\_\_ (as the case shall be) of [Here specify the offence, and when and where the same was committed.]

Form of  
conviction.

Given under our hands and seals, the day and year first above written.

[XXII.] PROVIDED always, and be it further enacted, that no order made touching or concerning any of the matters in this Act contained, or any proceedings to be had touching the conviction of any offender or offenders against the said Act of the twenty-second of George the Second or this Act, shall be quashed for want of form, or be removed or removeable by certiorari

Proceedings  
not to be  
quashed for  
want of form,

nor removed by  
certiorari.

Convictions to be filed at quarter sessions.

into his Majesty's Court of King's Bench; and the justices before whom such convictions shall be had shall cause the same, drawn up in the form aforesaid, to be fairly written upon parchment, and transmitted to the next general or general quarter sessions of the peace to be held for the county, riding, division, city, liberty, town or place wherein such conviction was had, to be filed and kept amongst the records of the said general or general quarter sessions; and in case the person or persons so convicted shall appeal from the judgement of the said justices to the said general or general quarter sessions, the justices on such general or general quarter sessions are hereby required, upon receiving the said conviction drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal according to the direction of the said Act, any law or usage to the contrary notwithstanding.

This Act not to repeal any former law, except as is herein particularly expressed.

[XXIII.] PROVIDED also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to repeal any former law or laws now in being for the punishment of any of the offences herein above specified, except so far as is particularly expressed by this Act; and no offender who shall have been proceeded against upon or by virtue of this Act for any of the offences herein specified, shall for the same offence be afterwards proceeded against upon or by virtue of any such former law or laws.

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Limitation of actions.

[XXV.] AND be it further enacted, that if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this Act, every such suit or action shall be severally brought, laid and tried in the county or place where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this Act; and if it shall appear to be so done, or if any such suit or action shall be brought in any other county or place than where the fact was committed, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law. [Rep., Stat. Law Rev. Act, 1861.]

General issue.

Treble costs.

## CHAPTER LVII.

AN ACT for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases.

Preamble.

Recital of Acts  
8 Geo. 2.  
[c. 13.]

and 7 Geo. 3.  
c. 38.

WHEREAS an Act of Parliament passed in the eighth year of the reign of his late Majesty King George the Second, intituled "An Act for the encouragement of the arts of designing, engraving and etching historical and other prints, by vesting the properties thereof in the inventors and engravers during the time therein mentioned:" And whereas by an Act of Parliament passed in the seventh year of the reign of his present

Majesty, for amending and rendering more effectual the aforesaid Act, and for other purposes therein mentioned, it was (among other things) enacted, that from and after the first day of January one thousand seven hundred and sixty-seven all and every person or persons who should engrave, etch or work in mezzotinto or chiaro oscuro, or cause to be engraved, etched or worked any print taken from any picture, drawing, model or sculpture, either ancient or modern, should have and were thereby declared to have the benefit and protection of the said former Act and that Act, for the term therein-after mentioned, in like manner as if such print had been graved or drawn from the original design of such graver, etcher or draughtsman: And whereas the said Acts have not effectually answered the purposes for which they were intended, and it is necessary for the encouragement of artists, and for securing to them the property of and in their works, and for the advancement and improvement of the aforesaid arts, that such further provisions should be made as are herein-after mentioned and contained: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and seventy-seven, if any engraver, etcher, printseller or other person shall, within the time limited by the aforesaid Acts or either of them, engrave, etch-or work or cause or procure to be engraved, etched or worked, in mezzotinto or chiaro oscuro or otherwise, or in any other manner copy in the whole or in part, by varying, adding to or diminishing from the main design, or shall print, reprint or import for sale, or cause or procure to be printed, reprinted or imported for sale, or shall publish, sell or otherwise dispose of, or cause or procure to be published, sold or otherwise disposed of, any copy or copies of any historical print or prints, or any print or prints of any portrait, conversation, landscape or architecture, map, chart or plan, or any other print or prints whatsoever, which hath or have been or shall be engraved, etched, drawn or designed in any part of Great Britain, without the express consent of the proprietor or proprietors thereof first had and obtained in writing signed by him, her or them respectively, with his, her or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor or proprietors shall and may, by and in a special action upon the case to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action, or on the execution of a writ of inquiry thereon, shall give or assess, together with double costs of suit. [Rep., Stat. Law Rev. Act, 1861.]

After June 24, 1777, if any engraver, &c. shall, within the time limited by the aforesaid Acts, engrave or etch, &c. any print without the consent of the proprietor, he shall be liable to damages and double costs.

## 18 GEORGE III. A.D. 1777-8.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF NOVEMBER,  
 A.D. 1774,  
 IN THE FIFTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTIETH DAY OF NOVEMBER, A.D. 1777,  
 BEING THE FOURTH SESSION OF THE FOURTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER XII.

AN ACT for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces and Plantations in North America and the West Indies; and for repealing so much of an Act made in the Seventh Year of the Reign of his present Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, or relates thereto.

Preamble.

WHEREAS taxation by the Parliament of Great Britain for the purpose of raising a revenue in his Majesty's colonies, provinces and plantations in North America has been found by experience to occasion great uneasinesses and disorders among his Majesty's faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court or general assembly of each respective colony, province or plantation: And whereas, in order as well to remove the said uneasinesses, and to quiet the minds of his Majesty's subjects who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare that the King and Parliament of Great Britain will not impose any duty, tax or assessment for the purpose of raising a revenue in any of the colonies, provinces or plantations: May it please your Majesty that it may be declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the King and Parliament of Great Britain will not impose any duty, tax or assessment whatever, payable in any of his Majesty's colonies, provinces and plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts or general assemblies of such colonies, provinces or plantations are ordinarily paid and applied.

No tax to be hereafter imposed by the King and Parliament of Great Britain on any of the colonies in North America or the West Indies, except certain duties for regulation of commerce.

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## CHAPTER XIX.

AN ACT for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony.

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[IV.] AND whereas constables, headboroughs and tithingmen are or may be at great charge in doing the business of their parish, township or place, and in many cases are not sufficiently indemnified by the laws: Be it therefore enacted by the authority aforesaid, that every constable, headborough or tithingman shall every three months, and within fourteen days after he shall go out of such office, deliver to the overseers of the poor of the said parish, township or place for the time being, a just account in writing, fairly entered in a book to be kept for that purpose and signed by him, of all sums so by him expended on account of the said parish, township or place, in all cases not hitherto provided for by the laws heretofore made or by this Act, and also of all sums received by him on the account of the said parish, township or place; and the said overseers of the poor or their successors shall within the next fourteen days after the said account or accounts shall be so delivered lay the same before the inhabitants of the said parish, township or place; and in case the said account or accounts be approved of by the majority of such inhabitants, the overseers of the poor of the said parish, township or place for the time being are hereby authorised and required to pay out of the poor rates made or to be made for such parish, township or place such sum or sums of money as shall appear to be due on the said account or accounts; but in case the said account or accounts or any part thereof shall be disallowed, then the said overseers of the poor for the time being shall then deliver back to the said constable, headborough or tithingman such book of accounts; and it shall and may be lawful to and for the said constable, headborough or tithingman then to produce the said book before any one or more of his Majesty's justices of the peace in and for the county, riding, division, city, town corporate, franchise or liberty wherein such parish or township shall be situate, giving reasonable notice thereof to the overseers of the poor of the said parish, township or place for the time being; which said justice or justices is and are hereby authorised to examine the same, and to hear and determine any objection or objections that shall be made to the said accounts, and to settle the sum which to him or them shall appear due on the said account, and to enter the same in the said account, and to sign his or their name or names thereto; and the overseers of the poor of the said parish, township or place for the time being are hereby authorised and required to pay the said sum out of the money which shall come to their hands by virtue of any rate or assessment made or to be made for the relief of the poor.

Constables, &c. shall, every three months, &c., deliver to the overseers an account of money by them expended and received on account of their respective parishes, &c.;

which shall be laid before inhabitants, and if allowed paid out of poor rate;

but if disallowed, a justice may settle the same.

[V.] PROVIDED nevertheless, that in case the overseer or overseers of the poor of the said parish, township or place for the time being shall find that the said parish, township or place is aggrieved by any neglect, act or thing done or omitted by the said constable, headborough or tithingman, or by

Appeal may be made from the justice's determination, &c. to the quarter sessions,

any of his Majesty's justices of the peace, or shall have any material objection to such account or any part thereof, or to such determination as aforesaid, it shall and may be lawful for such overseer or overseers in any of the cases aforesaid, giving reasonable notice to the said justice, constable, headborough or tithingman, to appeal to the next general or quarter sessions of the peace for the county, riding, division, city, town corporate, franchise or liberty where such parish, township or place lies ; and the justices of the peace there assembled are hereby authorised and required to receive such appeal, and to hear and finally determine the same ; but if it shall appear to the said justices that reasonable notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same ; and the said justices may award and order to the party for whom such appeal shall be determined reasonable costs, in the same manner that they are impowered to do in case of appeals concerning the settlement of poor persons, by an Act made in the eighth and ninth years of King William the Third, intituled "An Act for supplying some defects in the laws for the relief of the poor of this kingdom."

who are to determine the matter,

and may award costs.

8 & 9 Will. 3. [c. 30.]

Proviso as to appeal in corporations, &c. with less than 4 justices.

[VI.] PROVIDED always, that in all corporations or liberties which have not four justices of the peace, it shall and may be lawful for the overseer or overseers of the poor of the parish, township or place for the time being, where an appeal is given by this Act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding or division wherein such corporation or liberty is situate.

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The quarter sessions to make regulations for allowing the before-mentioned expences ;

which are to be approved of by one of the judges at the assizes, &c.

[IX.] PROVIDED nevertheless, and be it further enacted, that it shall and may be lawful for his Majesty's justices of the peace in and for any county, riding, division, city, town corporate, franchise or liberty, in quarter sessions assembled, to lay down or alter from time to time such rules and regulations as to any costs or charges thereafter to be allowed to any person whatsoever by virtue of any part of this Act, for the better carrying the intent of any part of this Act into execution, and for the preventing any unnecessary expence, as to them shall seem most just and reasonable ; which rules and regulations, having received the approbation and signature of one or more of his Majesty's judges of oyer and terminer or general gaol delivery at the assizes for the county wherein such rules and regulations shall have been made, shall be binding, and not otherwise, on all persons whatsoever ; and no person whatsoever shall be allowed any greater sum of money by virtue of this Act than according to the said rules and regulations so approved of as aforesaid, any thing herein contained to the contrary thereof in anywise notwithstanding.

Limitation of actions.

General issue.

[X.] AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, that then and in every such case the action or suit shall be brought within six calendar months next after the fact committed ; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act: And if it shall appear so to have been done, the jury



shall find for the defendant or defendants ; and if the plaintiff shall be nonsuit or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant and defendants shall and may recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases by law. Treble costs.  
[Rep., 5 & 6 Vict. c. 97. s. 2.]

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## CHAPTER XLVII.

AN ACT to amend such part of an Act made in the Forty-third Year of the Reign of Queen Elizabeth, intituled "An Act for the Relief of the Poor," as relates to the binding of Parish Apprentices.

**W**HEREAS in and by an Act made in the forty-third year of the reign of Queen Elizabeth (intituled An Act for the relief of the poor) it was enacted, that it should be lawful for the churchwardens and overseers therein mentioned, or the greater part of them, by the assent of any two justices of the peace, to bind the children of all such parents who shall not by the said churchwardens and overseers or the greater part of them be thought able to keep and maintain their children, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or day of marriage: And whereas it has been found by experience that the said term respecting men-children is longer than is necessary, and that if such man-child was bound to be an apprentice only till he came to the age of one and twenty years all the benefits intended by the said Act would be preserved, the hardships brought on such parish apprentices by the length of their apprenticeship would be avoided, and the good harmony between master and apprentice would be better maintained: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act, when any man-child shall be bound to be an apprentice by virtue of and under the authority of the said Act made in the forty-third year of Queen Elizabeth, such child shall be bound to be an apprentice for no longer term than till such child shall come to the age of twenty-one years.

Preamble.

Act 43 Eliz.  
[c. 2.] recited.

No man-child  
apprenticed by  
virtue of the  
recited Act to  
continue an  
apprentice after  
the age of 21.

## 19 GEORGE III. A.D. 1778-9.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF NOVEMBER,  
A.D. 1774,

IN THE FIFTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTY-SIXTH DAY OF NOVEMBER, A.D. 1778,  
BEING THE FIFTH SESSION OF THE FOURTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XX.

AN ACT for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Church of Scotland, and of the Heads, Principals and Masters in the Universities of Saint Andrews, Glasgow, Edinburgh and Aberdeen ; and for repealing two Acts made in the Seventeenth and Twenty-second Years of the Reign of his late Majesty King George the Second for those purposes.

## Preamble.

Act 17 Geo. 2.  
[c. 11.] recited.

The said Act  
amended by  
Act 22 Geo. 2.  
[c. 21.]

**W**HEREAS the widows and children of the ministers of the Church, and of the heads, principals and masters in the universities of that part of Great Britain called Scotland, had often been left in indigent circumstances, without any provision for their subsistence or education : And whereas all the charitable designs that had been proposed for the relief of such widows and orphans had proved ineffectual, an Act was made in the seventeenth year of the reign of his late Majesty King George the Second, intituled “ An Act for raising and establishing a fund for a provision for the “ widows and children of the ministers of the Church of Scotland, and of the heads, “ principals and masters of the universities of Saint Andrews, Glasgow and Edinburgh,” whereby it was enacted, that the said ministers, heads, principals and masters were to pay out of their respective stipends or salaries at their option some one of the annual rates following ; that is to say, two pounds twelve shillings and sixpence, three pounds eighteen shillings and nine-pence, five pounds and five shillings, or six pounds eleven shillings and three-pence, of lawful money of Great Britain, to be applied for payment of life rent annuities to the respective widows of such ministers of the said Church, or heads, principals or masters in the universities aforesaid, amounting to ten pounds, fifteen pounds, twenty pounds, or twenty-five pounds of like money, in proportion to such of the aforesaid annual rates as they shall respectively have chosen ; and also to the making provision respectively for the children of the said ministers, heads, principals and masters, amounting to the sum of one hundred pounds, one hundred and fifty pounds, two hundred pounds, or two hundred and fifty pounds of like money, and in the like proportion : And it was further enacted, that the surplus of the aforesaid annual rates, and other sums payable by virtue of the aforesaid Act, were, after payment of the annual expence of management and of the annuities payable to widows and of the provisions payable to children, to be lent out to the ministers of the Church of Scotland and to the heads, principals and masters in the aforesaid universities, to the amount of thirty pounds of lawful money to each of them ; and that all future surplusses were from time to time to be lent out upon proper security, until the capital therein mentioned should be made up and completed : And whereas the aforesaid Act was explained and amended by another Act made in the twenty-second year of his said Majesty’s reign, in which Act the heads, principals and masters in the university of Aberdeen were comprehended upon their own application and petition, and liberty granted for raising the capital to fifty thousand pounds of lawful money of Great Britain, over and above the sums lent to ministers, heads, principals and masters as aforesaid, making together a stock or fund of eighty thousand pounds of like money : And whereas it hath been found from experience that the granting a loan of thirty

pounds to each of the aforesaid ministers, heads, principals and masters has in many instances proved hurtful to their families and to the fund, and that the interest of a larger stock or capital, over and above the aforesaid annual rates and other sums payable for support of the fund, will be necessary for payment of the annual expence when the widows shall have arrived at their maximum : Therefore, and for removing several inconveniencies and difficulties which have arisen in the execution of the aforesaid Acts, your Majesty's most dutiful and loyal subjects, the ministers and elders of the general assembly of the Church of Scotland holden in the month of May one thousand seven hundred and seventy-eight, and the trustees in and by the aforesaid Acts appointed for executing the same, after due enquiry has been made into the sentiments of the ministers of the said Church, and of the heads, principals and masters in the said universities, liable in payment of one or other of the aforesaid annual rates, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every minister who was possessed of a benefice in the Church of Scotland, and every person who was possessed of the office of head, principal or master in any of the universities of Saint Andrews, Glasgow, Edinburgh and Aberdeen, on or before the twenty-ninth day of September one thousand seven hundred and seventy-eight, and who is now subject and liable to one of the annual rates following ; videlicet, two pounds twelve shillings and sixpence, three pounds eighteen shillings and nine-pence, five pounds and five shillings, or six pounds eleven shillings and three-pence, of lawful money of Great Britain, shall in the manner herein-after directed continue to pay the same yearly at each term of Candlemas during his life, notwithstanding he may have ceased or shall hereafter cease to be a minister of the said Church or a head, principal or master in any of the universities aforesaid, by resignation, deprivation or any other manner of way. [Rep., Stat. Law Rev. Act, 1871.]

Ministers now in the Church, &c. to continue liable in payment of their rates.

[II.] AND be it enacted by the authority aforesaid, that every minister, head, principal or master who has been ordained or admitted since the said twenty-ninth day of September one thousand seven hundred and seventy-eight, or who shall hereafter be ordained or admitted to a benefice in the Church of Scotland or to an office in any of the universities aforesaid, shall be subject and liable to one or other of the aforesaid annual rates, in the option of the said ministers, heads, principals and other masters respectively, to be made within the time and in the manner herein-after directed.

Ministers, &c. hereafter admitted to be subject to rates.

[III.] PROVIDED always, that what is herein-above enacted shall not comprehend any person who shall hereafter be ordained or admitted to a benefice in the said Church of a temporary nature or to a precarious office in any of the universities aforesaid, where there is no security for the continuance of such benefice or office, and that it shall not be competent for any such person to claim the benefit of this fund, it being intended only for a provision to the widows and children of the ministers, heads, principals and masters holding fixed benefices in the said Church and permanent offices in the universities aforesaid.

Proviso.

[IV.] AND be it enacted by the authority aforesaid, that every minister, head, principal or master who has been admitted since the said twenty-ninth day of September one thousand seven hundred and seventy-eight, or who shall hereafter be admitted to a benefice in the Church of Scotland or to an office in any of the universities aforesaid, and who was not before entitled to a benefice in the said Church or to an office in any of the universities aforesaid, shall make his election of one or other of the four above-mentioned yearly rates to which he chuses to be subject during his life, by a writing signed by him, addressed to the trustees herein-after appointed, and which he shall deliver or cause to be delivered at the general collector or receivers office at

Rule for notifying the option of rates.

Edinburgh, within the time respectively after-mentioned ; that is to say, every minister having a benefice in the western or northern isles of Scotland, on or before the twenty-sixth day of January that shall first happen after such minister shall have had right to his benefice for one whole year ; and every other minister aforesaid of the Church of Scotland, on or before the twenty-sixth day of January that shall first happen after such minister shall have had right to his benefice for one half year ; and every head, principal or master in any of the universities aforesaid, on or before the twenty-sixth day of January that shall first happen after he hath held his office for four calendar months ; and every respective minister, head, principal or other master neglecting to give notice as aforesaid shall be deemed and adjudged to have made his election of the annual rate of three pounds eighteen shillings and nine-pence, and shall be liable to the said rate accordingly during his life.

Rule for  
ministers, &c.  
making their  
first payment,

[V.] AND be it enacted by the authority aforesaid, that every such minister, head, principal and master who has been admitted since the said twenty-ninth day of September one thousand seven hundred and seventy-eight, or who shall hereafter be admitted to a benefice in the said Church or to an office in any of the universities aforesaid, shall at the first term of Candlemas after he hath notified his option as aforesaid make payment of the rate or rates to which he shall then be subjected in virtue of his said option or in default of his making his election ; that is to say, if at the said term of Candlemas he shall have enjoyed and had right to his benefice for one half year, he shall be liable to the payment of one half of his yearly rate ; if he was entitled to his benefice for one whole year, he shall be liable to the payment of one year's rate ; and if he was entitled to his benefice for one year and an half, he shall be liable to the payment of one year and an half of his rate ; and lastly, if his salary is of such a nature as to be payable only de die in diem, he shall make payment of such proportion of his annual rate as corresponds to the number of days from the date of his admission to the twenty-second day of November immediately preceding the time limited for making his election as aforesaid : And every such minister, head, principal or master aforesaid shall after the aforesaid term of Candlemas when first liable in payment of his rate as before enacted, make payment of a full year's rate at each succeeding term of Candlemas during his life, notwithstanding he shall cease to be a minister of the said Church or a head, principal or master in any of the universities aforesaid, by resignation, deprivation or any other manner of way ; all which rates shall be paid in the manner herein-after directed.

and future,  
payments.

Rate to be paid  
on the death of  
a minister, &c.

[VI.] AND be it further enacted by the authority aforesaid, that if the said ministers of the Church of Scotland, or the heads, principals or other masters in any of the universities aforesaid, shall at their respective deaths have right to only one half of the benefice or salary of that year in which they shall happen to die, that one half of the said yearly rate shall be payable for that year out of their benefice or salary at the first term of Candlemas after the death of the said ministers, heads, principals or masters respectively in the manner herein-after directed.

Ministers  
subject to a tax  
on account of  
their marriage.

[VII.] AND be it enacted by the authority aforesaid, that every minister, head, principal and master who is now possessed of a benefice in the Church

of Scotland or of an office in any of the universities aforesaid, and every other person who is subject and liable in payment of one or other of the aforesaid annual rates, who shall hereafter marry, and every minister, head, principal or master who shall hereafter be admitted to a benefice in the said Church or to an office in any of the universities aforesaid, and who is or shall be married, shall in respect of his marriage be subject and liable to a sum equal to his annual rate, and to the like sum for each succeeding marriage; which sum in respect of the marriage of a minister of the said Church, head, principal or master in any of the universities aforesaid, shall be paid over and above his annual rate at the first term of Candlemas which shall be one full year after such marriage and his admission into the said benefice and office respectively in the manner herein-after directed.

[VIII.] PROVIDED always, that if any minister of the said Church, head, principal or master in the universities aforesaid, or any other person liable in payment of one or other of the aforesaid annual rates shall happen to marry a widow entitled to an annuity in pursuance of this Act, such minister, head, principal, master or other person shall not be subject to the payment of any sum in respect of such marriage.

Proviso in favour of those who marry annuitants.

[IX.] AND be it enacted by the authority aforesaid, that such ministers of the Church of Scotland, or such heads, principals or masters in any of the universities aforesaid, who have been ordained or admitted assistants and successors to the ministers, heads, principals or masters having right to a benefice or salary respectively, and who are not already subjected to one or other of the aforesaid annual rates, or who shall hereafter be ordained or admitted assistants or successors to ministers, or to heads, principals or other masters having right to the benefice or salary as aforesaid, where there is no real vacancy of such benefice or office, shall (as to all the purposes of this Act) be held as admitted to a benefice in the said Church or to an office in any of the universities aforesaid, only from the time that such assistant shall come to have right to the full benefice or salary respectively.

Time when ordained assistants are subjected to rates;

[X.] AND be it enacted by the authority aforesaid, that so soon as such assistants shall come to have right to their full benefice or salary as aforesaid, they shall be obliged to make their election of one or other of the aforesaid annual rates, and shall be liable in payment thereof, in the same manner and within the time herein-before enacted with respect to other ministers of the said Church, and heads, principals and other masters in the universities aforesaid, when first admitted to a benefice or office respectively.

and when they shall make their election of rates.

[XI.] AND be it further enacted by the authority aforesaid, that every minister, head, principal or master who shall hereafter be ordained or admitted for the first time to a benefice in the Church of Scotland or to an office in any of the universities aforesaid, and who at the time of his ordination or admission shall be forty years of age or upwards, and every assistant to a minister, head, principal or master, who upon coming to the enjoyment of his full benefice or salary as aforesaid shall be forty years of age or upwards, shall, if married or a widower having a child or children, be liable in payment of a sum equal to two years and an half of the annual rates to which he is subjected in virtue of his option or in default of making his election as aforesaid, over and above the annual and other rates herein-before enacted to be paid by the other ministers of the said Church or heads, prin-

Ministers, &c. of 40 years of age at admission, and having children, subject to additional rates.

cipals and masters in the universities aforesaid, which payment shall be made at the term of Candlemas that shall first happen after he has or ought to have made his election of one or other of the aforesaid annual rates in the manner herein-before directed.

Proviso in case they are then unmarried.

[XII.] PROVIDED always, that if such ministers, heads, principals or masters, or ordained assistants, shall at the time of their ordination or admission or coming to the enjoyment of their full benefice or salary as aforesaid be batchelors or widowers having no children, they shall not be liable to the aforesaid additional tax while they remain unmarried; but in case of their marrying afterwards they shall be obliged to pay the said additional tax at the term of Candlemas that shall first happen twelve calendar months thereafter.

Persons holding two offices not subject to an additional rate.

[XIII.] AND be it enacted by the authority aforesaid, that when any minister of the Church of Scotland entitled to a benefice is also a head, principal or master in any of the universities aforesaid, and thereby intitled to a salary, such minister shall not be liable to double rates, but shall only be liable to one rate in respect of both offices.

Rate due on death of minister, &c. to be payable out of the ann;

[XIV.] AND be it further enacted by the authority aforesaid, that upon the death of every minister of the Church of Scotland, and of every head, principal or master in any of the universities aforesaid, or of any person who once enjoyed a benefice in the said Church or an office in any of the aforesaid universities, and who was subject to one or other of the yearly rates before mentioned, a sum equal to one half of his yearly rate shall be due and payable for the half year immediately after his death by those who have a right to the ann, where the ann is by law competent; and where no ann is competent, the same shall be paid by his heirs and executors; which half year's rate shall be paid in the manner herein-after directed at the first term of Candlemas which shall happen a full year after the ann shall be due and payable, where the ann is competent; and where no ann is competent, at the first term of Candlemas which shall happen one full year after the death of such minister, head, principal or master.

and where no ann is competent, by the heirs, &c.

Rates payable out of vacancies.

[XV.] AND be it enacted by the authority aforesaid, that every benefice of the Church of Scotland, and every office of head, principal or master in any of the universities aforesaid, that are now vacant or that hereafter shall become vacant, shall be subject and liable to the sum of three pounds and two shillings of lawful money of Great Britain for every half year during such vacancy, payable in the manner herein-after directed at the term of Candlemas happening twelve calendar months after the vacant stipends and salaries respectively shall become due and payable.

Intimation to be made to the patrons, &c. of the respective parishes, &c., when these rates become due.

[XVI.] AND be it enacted by the authority aforesaid, that all the persons concerned in payment of the vacant stipends and salaries respectively may be duly apprized of the aforesaid tax, the moderators of presbyteries and the principals of universities, or their respective clerks, are hereby required, within three calendar months after these rates shall from time to time fall due, to intimate the same to the proper officers of the Crown where his Majesty is patron, and to other patrons or their doers, or to the heritors and the persons themselves who are liable in payment of the vacant benefices or salaries, which intimation shall be made by a writing or letter delivered to them personally, or left at their dwelling-houses in

the presence of two witnesses; and the said moderators and principals, or their respective clerks, are hereby further required to acquaint the general collector or receiver herein-after named of their having made such intimation by a letter bearing the time thereof; and if they shall neglect so to do, they shall be liable for the full expences and damages which the fund may sustain through such default.

[XVII.] AND be it enacted by the authority aforesaid, that the annual and other rates payable by the ministers of the Church of Scotland, by the heads, principals or masters in the universities aforesaid, or by those who have ceased or shall cease to be ministers, heads, principals or masters, and also the rates payable out of or in respect of the ann, and the rates payable out of the vacant stipends or salaries respectively as before enacted, shall be paid to the general collector or receiver herein-after named, at his office in Edinburgh, within eleven days after the respective terms of Candlemas herein-before appointed; and in default of such payment being made within the said time, the said ministers, heads, principals, masters and other persons respectively liable in payment of the same, shall thereafter be subject to the lawful interest of such sums remaining unpaid.

Time when  
these rates  
bear interest.

[XVIII.] PROVIDED always, that if intimation shall not be made of the sums payable out of the vacant stipends or salaries respectively, to the patrons or other persons above mentioned, within the time herein-before required and appointed, the interest of such sums shall not be exigible from those patrons or persons, but shall be paid by the moderators of presbyteries or principals of universities, or their clerks respectively, in default of their having neglected to make such intimation.

Penalty on  
presbyteries,  
&c. neglecting  
to make intimation.

[XIX.] AND be it further enacted by the authority aforesaid, that the aforesaid yearly rates and other sums payable by the present and future ministers of the Church of Scotland, and by the present and future heads, principals and masters in the universities aforesaid, and the aforesaid sum of thirty pounds lent on bond to ministers now in the Church and to heads, principals and masters now in the universities of Scotland, together with the interest thereof, shall be privileged debts, and preferable to all other debts of the said ministers, heads, principals and masters, not only upon their benefices and salaries respectively, but also upon their whole other personal estate; and that the aforesaid rates payable out of the ann, or in respect of the ann, shall be privileged debts, and preferable to all the other personal debts of those who have right to the ann, or to the personal debts of the heirs and executors of the ministers, heads, principals or masters, where no ann is competent; and that the aforesaid rates payable out of the vacant stipends or salaries respectively shall be a preferable burthen upon the vacant stipends and salaries to all other debts and burthens, any law or usage to the contrary notwithstanding.

Rates, &c. to  
be privileged  
debts.

[XX.] AND be it enacted by the authority aforesaid, that the aforesaid annual and other sums payable by the ministers of the Church of Scotland, and by the heads, principals and masters in the universities aforesaid, and other persons, and the sums payable out of the ann or in respect of the ann, and also the sums payable out of the vacant benefices or salaries, in the manner herein-before directed, shall be applied by order and direction of the trustees herein-after appointed and their successors to the uses and purposes

Application  
of the money;

vis., for payment of charges of management ;  
for raising the capital ;

and for paying the annuities to widows.

Rule for computing annuities.

Time when annuities shall cease or determine.

Children under 16 at death or marriage of widow entitled to reversion of annuities.

Widows marrying ministers, &c. to continue annuitants.

after mentioned ; videlicet, in the first place there shall be paid a sum not exceeding two hundred and ten pounds of lawful money of Great Britain yearly, for the salaries of the general collector or receiver and the clerk herein-after named and appointed ; and in the second place two hundred pounds of like money shall be applied annually for raising the capital herein-after mentioned, until the same is completed ; and the remainder of the said several sums, after discharging the charges of management herein-after mentioned, shall be applied for payment of the annuities to the widows who are now upon the fund to which they are respectively intitled, which annuities shall continue payable to them on the twenty-sixth day of May yearly during their life and continuing unmarried ; and also for the payment of an annuity to the widow of every minister of the Church of Scotland, and of every head, principal and master in any of the universities aforesaid, who hath been subject to one or other of the annual rates above mentioned, in proportion to the rate to which the deceased husband of the respective widow was liable, in the manner following ; that is to say, if the husband was liable to the annual rate of two pounds twelve shillings and sixpence, his widow shall be intitled to an annuity of ten pounds ; if the husband was liable to the annual rate of three pounds eighteen shillings and nine-pence, his widow shall be intitled to an annuity of fifteen pounds ; if the husband was liable to the annual rate of five pounds and five shillings, his widow shall be intitled to an annuity of twenty pounds ; and if the husband was liable to the annual rate of six pounds eleven shillings and three-pence, his widow shall be intitled to an annuity of twenty-five pounds of lawful money of Great Britain : Which respective annuities of those widows who shall hereafter come upon the fund shall be computed to run from the twenty-sixth day of May or the twenty-second day of November which shall be one full half year after the husband's death, and shall be due on the twenty-sixth day of May or the twenty-second day of November thereafter, by equal portions ; and the first year's or half year's annuity respectively shall be payable on the twenty-sixth day of May which shall be a full year or a full half year respectively after the time from which the annuity shall be computed as aforesaid ; and the said annuity shall so continue payable on the said twenty-sixth day of May yearly during the widow's life and her remaining unmarried ; and upon the death or marriage of any widow who is now upon the fund, or who shall hereafter come upon the fund, her said annuity shall cease and determine upon the twenty-sixth day of May or the twenty-second day of November immediately preceding her death or marriage ; and if she shall happen to die or to marry before the elapse of ten years from the commencement of her annuity, and her former husband shall have left a child or children who at the said widow's death or marriage shall be under the age of sixteen years, such child or children under the age of sixteen years shall be intitled to such a sum of money as shall be equal to ten years of the said widow's annuity, deducting so much thereof as shall have been received by her, which sum shall be equally divided among them if there happen to be more than one child.

[XXI.] PROVIDED always, and be it enacted by the authority aforesaid, that if an annuitant shall hereafter marry a minister, head, principal or master, or any other person liable in payment of one or other of the aforesaid annual rates, she shall be intitled, until the capital herein-after mentioned is



completed, to one half of her annuity, and shall after the said capital is completed be intitled to her full annuity, which half or full annuity shall cease and determine upon the twenty-sixth day of May or the twenty-second day of November immediately preceding the dissolution of the marriage; and if such annuitant shall happen to be the survivor, she shall thereafter be intitled to an annuity corresponding to her last husband's annual rate, which new annuity shall commence and determine in the same manner as is herein-before enacted with respect to the annuities of other widows who shall hereafter come upon the fund.

[XXII.] PROVIDED always, and be it enacted by the authority aforesaid, that if her former husband shall have left a child or children who at the time of her said marriage shall be under the age of sixteen years, and she shall not have drawn ten years annuity, in this case her annuity shall cease and determine on the twenty-sixth day of May or the twenty-second day of November immediately preceding her marriage; and such child or children shall be intitled to the reversion of her ten years annuity, in the like manner as is before enacted with respect to children under sixteen years of age, whose father's widow shall marry any person not subject to one or other of the aforesaid annual rates.

Proviso in favour of children under 16.

[XXIII.] AND be it enacted by the authority aforesaid, that every minister of the Church of Scotland, and every head, principal or master in any of the universities aforesaid, or any other person who shall have been subject to one or other of the aforesaid annual rates, and who shall die, not leaving a widow, but one or more children, such child or children shall be intitled to a sum equal to ten years of the annuity that would have been payable to their father's widow, which sum, in case there are more children than one, shall be equally divided among them.

Sums to be paid to children whose fathers died widowers :

[XXIV.] AND be it enacted by the authority aforesaid, that the provisions to children of the ministers of the Church of Scotland, or to the children of the heads, principals and masters in the universities aforesaid, falling due in consequence of the death of their respective fathers, or of the death or marriage of the widows of their said fathers, in any one year, computed from the twenty-second day of November to the twenty-second day of November in the year following, shall be payable on the thirteenth day of August, in the manner herein-after mentioned.

When their provisions are payable.

[XXV.] AND be it further enacted by the authority aforesaid, that it shall and may be lawful for the trustees herein-after appointed, and they are hereby required, to stop and deduct the one half of every annuity which shall hereafter become payable for the first time to the widow of every minister of the Church of Scotland, and of every head, principal or master in any of the universities aforesaid, and of every other person subject and liable to one or other of the aforesaid annual rates, who shall not have paid, during the time of and by his being a contributor to the said fund, a sum equal to the amount of three years of the annuity correspondent to his annual rate, and the like sum annually during the life of such widow, until either she shall pay into the fund, or until such stoppages and deductions shall amount to, as much as, together with the sums paid by her husband, without computing interest thereon, shall make up or be equal to three years of her annuity; and it shall and may be lawful for the trustees aforesaid, and they are hereby

Trustees in certain cases to make stoppages from the widows annuities,

also from the childrens provisions.

required, to stop and detain, out of the sum or provision which shall become payable to the child or children of every minister, head, principal, master or other person subject and liable to an annual rate as aforesaid, who shall not have paid a sum equal to three years annuity corresponding to his annual rate, so much as, together with the sums paid by him, or that may have been deducted from his widow, without computing interest thereon, shall make up or be equal to three years of the said corresponding annuity; and the widows and children aforesaid shall only be intitled in the respective cases and events aforesaid to the remainder, after the said stoppages or deductions from the annuities or sums provided to them in manner aforesaid.

Loans of 30*l.* to be discontinued.

[XXVI.] AND be it enacted by the authority aforesaid, that to prevent in future the inconveniencies which have arisen from lending thirty pounds to the ministers of the Church of Scotland, and to the heads, principals and masters in the universities aforesaid, it shall not hereafter be competent to any of the said ministers, heads, principals or masters to demand, or for the trustees herein-after appointed to grant him, such a loan.

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Capital to be raised to 100,000*l.*

[XXIX.] AND be it enacted by the authority aforesaid, that the capital which is now limited to eighty thousand pounds, including the loans granted to ministers, heads, principals and masters as aforesaid, shall be raised to the sum of one hundred thousand pounds of lawful money of Great Britain, that the fund hereby established may be sufficient for answering the several purposes of this Act, and particularly for payment of the annuities that will fall due to widows when their number shall have arrived at the maximum.

Surplusses of the annual produce above the annual expence to be applied for raising the capital,

[XXX.] AND be it enacted by the authority aforesaid, that in order the more effectually to raise the said capital of one hundred thousand pounds, the trustees herein-after appointed shall order and direct and take care that the sum of two hundred pounds of lawful money of Great Britain shall, as before enacted, be applied annually for that purpose until the capital is made up; and shall likewise order, that if in any one year before the capital is completed, the interest thereof, so far as raised, and the interest of the sums lent to ministers, heads, principals and masters as aforesaid, together with the annual and other rates, and the rates payable out of or in respect of the ann, and also the rates payable out of the vacant stipends or salaries respectively, shall exceed the charges of management and the sums hereby ordered to be applied for raising the capital and the annuities due to widows and the provisions due to children for that year, such excess or surplus shall be applied to the purpose aforesaid of raising the capital stock or fund, by lending out the same along with the sums herein-before appointed to be lent out for such respective year; and the said trustees shall further order, that when any of the sums lent to ministers, heads, principals or masters aforesaid shall be repaid, such sums shall also be applied towards raising the aforesaid capital of one hundred thousand pounds, until the whole of these loans are thus transferred to the said capital, which capital being so made up shall be no further increased.

and likewise such loans of 30*l.* as shall be repaid.

No encroachment to be made on the capital, nor the raising

[XXXI.] AND be it enacted by the authority aforesaid, that although the annual surplus aforesaid in any one year after payment of the charges of management, and of the sum hereby appointed to be applied towards raising the capital stock or fund for that year, shall not be sufficient to pay the whole

annuities to widows and the provisions payable to children for that year, yet no encroachment shall on that account be made on the capital, so far as then raised, nor shall the further raising thereof be thereby stopped or retarded, but such deficiency or short-coming shall first affect the sums payable to such annuitants as have married any person liable to one of the aforesaid annual rates, and then the childrens provisions proportionably, and lastly the sums payable to such annuitants as have remained unmarried proportionably, without regard to the order of time in which these annuities and provisions become due; and the same shall again be made good to them out of the surplus of the produce of the succeeding year or years, in this order; videlicet, after deduction of the expence of management and of the sum to be applied for raising the capital as aforesaid, the sums due to annuitants (who have remained unmarried) unpaid in the preceding year shall be paid and made good in the first place, and then their annuities of the current year; and after the said annuities, the childrens provisions of the former year, and then their provisions for the current year; and lastly the sums due to such annuitants as have married any person liable to one of the aforesaid annual rates for the former year or years, and then their annuities for the current year.

thereof retarded.

[XXXII.] AND be it enacted by the authority aforesaid, that if the aforesaid capital shall hereafter be diminished, either by the insolvency of debtors or by any other accident whatever, such diminution shall from time to time be made up by after surplusses, in the same manner as the capital was originally raised.

If the capital be diminished, how to be made up.

[XXXIII.] AND be it enacted by the authority aforesaid, that so soon as the capital shall amount to ninety-seven thousand pounds, the trustees hereinafter appointed shall intimate the same to the several presbyteries and universities aforesaid, desiring their respective members subject and liable to one of the aforesaid annual rates to signify their opinion, in case in any one year after the capital is raised to one hundred thousand pounds the annual produce shall exceed the annual expence, in what manner the surplus shall be disposed of; that the trustees, after collecting their sentiments, shall form a plan for the application of such surplus to such purposes as shall appear most agreeable to the contributors, and most for the benefit of all concerned; that a plan being so formed, shall be transmitted for the consideration of the aforesaid members of the presbyteries and universities, and thereafter carried into execution, if it shall obtain the sanction of two-thirds of their number.

Plan to be formed for disposing of the surplus of the fund after the capital is raised.

[XXXIV.] PROVIDED always, that if at any time thereafter the said plan shall be disapproved of by two-thirds of the said ministers, heads, principals and masters liable in payment of an annual rate as aforesaid, it shall be set aside, and a new plan adopted agreeable to their sentiments.

In what case the said plan may be set aside.

[XXXV.] AND be it further enacted by the authority aforesaid, that every minister who is now or shall hereafter be possessed of a benefice within the bounds of the presbytery of Edinburgh, and every person who is now or shall hereafter be possessed of the office of head, principal or master in the university of Edinburgh, shall be and they are hereby nominated and appointed the ordinary and stated trustees for putting into execution all the powers in and by this Act given, during their continuing possessed of a benefice or office respectively in the presbytery or university aforesaid.

Ministers, &c. in presbytery and university of Edinburgh appointed trustees.

Ministers in other universities and presbyteries formerly trustees continued, unless they decline within 12 months.

[XXXVI.] AND be it enacted by the authority aforesaid, that every minister having an office in any of the said universities of Saint Andrews, Glasgow and Aberdeen, and every minister having a benefice in any of the presbytery seats in Scotland (Edinburgh excepted), and who in virtue of the aforesaid in part recited Acts did become a trustee, shall continue to exercise that office unless he shall within twelve calendar months after the time of passing this present Act, by a writing under his hand, signify to the trustees aforesaid that he declines continuing in the said office.

Ministers admitted to any office, &c. in other universities and presbyteries may be trustees.

[XXXVII.] AND be it also enacted by the authority aforesaid, that it shall be competent for every minister who shall be hereafter admitted to any office in the said universities of Saint Andrews, Glasgow and Aberdeen, or to a benefice in any of the said presbytery seats (Edinburgh excepted), to become a trustee, upon his signifying, by a writing under his hand, to be delivered to the clerk of the trustees herein-after named within twelve calendar months after his admission, that he chuses to accept of the said trust; and in default of his making such intimation he is hereby excluded from becoming a trustee at any time thereafter, during his continuing in possession of such office or benefice respectively.

Such trustees only to continue during their being in office, &c.

[XXXVIII.] AND be it enacted by the authority aforesaid, that ministers who now are or shall hereafter become trustees in consequence of their having an office in any of the aforesaid universities of Saint Andrews, Glasgow or Aberdeen, or a benefice in any of the aforesaid presbytery seats, shall only continue trustees during their remaining in possession of such office or benefice respectively.

Each presbytery to elect one trustee annually,

[XXXIX.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for every presbytery in Scotland (Edinburgh excepted) hereafter annually to elect one of their number to be a trustee for one year, commencing from the first day of May yearly; and that it shall and may be lawful for each of the said universities of Saint Andrews, Glasgow and Aberdeen, annually to elect two of their number, not being ministers, to be trustees for one year, commencing from the said first day of May yearly.

and each university two annually.

Trustees so elected may refuse to act.

[XL.] PROVIDED always, that it shall be in the power of the said annual trustees elected by the said presbyteries and universities respectively to refuse to accept or to act in the said office, so as such refusal be notified to the respective presbyteries or universities at the time of election, if the trustees elect be present, or else at the next meeting of the presbytery or university respectively after the election shall come to his or their knowledge.

Trustees authorized to levy the rates, &c.

[XLI.] AND be it enacted by the authority aforesaid, that the ordinary and stated trustees and the other trustees before nominated and appointed are hereby authorized to levy the respective annual rates and other sums payable by virtue of this Act, and to issue the same for the purposes herein-before expressed and for raising the aforesaid capital to one hundred thousand pounds by loans to be made at interest, not lower than one pound per centum under the lawful interest for the time being, to any person or persons, bodies politick or corporate, and to uplift the said capital in whole or in part, and to employ the same from time to time, and for putting into execution all the other powers in and by this Act given.

Trustees not to employ any part of the

[XLII.] PROVIDED always, that it shall not be in the power of the said trustees to lend out, uplift or re-employ any part of the capital but with the

advice and consent of the lord president and the two senior judges of the Court of Session, the lord chief baron and the senior baron of the Court of Exchequer, and of the lord justice general and lord justice clerk for the time being, or any three of them.

[XLIII.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the said trustees or any nine of them, whereof six to be ministers of the Church of Scotland, to execute all the powers committed to them by this Act; and for that end they shall have four stated meetings annually, to be held on the third Tuesday in the month of February, the third Tuesday in the month of March, the third Tuesday in the month of May, and the fourth Tuesday in the month of November, between the hours of twelve and two in the afternoon, in the hall of the house built by the said trustees within the city of Edinburgh, with power to the said trustees or any nine of them as aforesaid to chuse one of their number to be praeses, and with power to adjourn themselves from time to time to such times and places as they shall see cause; and that it shall and may be lawful for the praeses of the last meeting of the said trustees, or in his absence the moderator of the presbytery of Edinburgh for the time being, or in his absence the eldest minister of the city of Edinburgh, to call meetings of the ordinary and stated trustees as occasion shall require, at such times and places as he shall judge proper, by causing a summons to be left at their respective dwelling-houses twenty-four hours at least previous to the meeting; and the said praeses, moderator of the presbytery of Edinburgh and eldest minister of the said city respectively, are hereby required upon the request of any five or more of the trustees to call such meetings in like manner; which meetings of the ordinary and stated trustees are hereby impowered, if they shall see cause, to call a general meeting of the whole trustees, by giving notice in the Edinburgh newspapers fourteen days at least previous to the meeting, by an advertisement bearing the special purpose for which such meeting is called.

[XLIV.] AND whereas Alexander Stevenson, one of the depute clerks of the Court of Session, was on the twenty-fifth day of November one thousand seven hundred and sixty elected, and has since that time officiated as clerk to the said trustees, with a salary of fifty pounds of lawful money of Great Britain, and gave bond with sufficient sureties for the faithful discharge of his office under the penalty of one hundred pounds of like money: Be it enacted by the authority aforesaid, that the said Alexander Stevenson shall and he hereby is appointed to exercise the said office of clerk to the trustees, and shall at his own charge provide proper books, and shall insert therein from time to time their proceedings, and shall write or cause to be written their orders; and shall have an officer for advertising the meetings of the trustees, for which officer he shall be allowed a sum not exceeding five pounds of lawful money of Great Britain. [Rep., Stat. Law Rev. Act, 1871.]

[XLV.] AND be it enacted by the authority aforesaid, that his successors to be chosen in the manner herein-after directed, with a salary not exceeding the like sum of fifty pounds of lawful money of Great Britain, and five pounds of like money for his officer, shall upon his election give bond to the trustees with one or more sufficient sureties under the penalty of one hundred pounds of like money for the faithful discharge of his office, as herein-before and after enacted respecting the present clerk.

[XLVI.] AND whereas the Reverend Doctor Alexander Webster, one of the ministers of the city of Edinburgh, was upon the twenty-sixth day of June one thousand seven hundred and seventy-one elected, and has since that time officiated as general collector or receiver of the aforesaid annual and other rates and sums payable for support of the fund, with a salary of one hundred and fifty-five pounds of lawful money of

capital without consent of lord president, &c.

Quorum of trustees, and meetings appointed.

Manner in which the meetings of the trustees are to be called.

Former clerk to the trustees established in his office.

Succeeding clerks to give security.

Former collector established in his office, &c.

Great Britain, and gave bond to the trustees with sufficient sureties to the extent of seven thousand pounds of like money for the faithful discharge of his trust, and that he would effectually levy and make good the annual and other rates payable by the ministers of the said Church, and by the heads, principals and masters in the universities aforesaid: Be it enacted by the authority aforesaid, that the aforesaid general collector or receiver shall and he is hereby appointed to execute the said office of general collector or receiver of the aforesaid annual and other rates payable by the said ministers, heads, principals and masters respectively, and shall effectually levy and make good the same. [Rep., Stat. Law Rev. Act, 1871.]

Proviso.

[XLVII.] PROVIDED always, and it is hereby enacted, that the aforesaid general collector or receiver shall not be obliged to make good the rates that shall become due by the said ministers, heads, principals and masters after they shall cease to have right to a benefice in the said Church, or to an office in any of the universities aforesaid.

Duty of the collector to recover rates.

[XLVIII.] PROVIDED always, that the aforesaid general collector or receiver shall use ultimate legal diligence for the recovery of these rates within twelve calendar months after they shall become due, which he shall report and instruct annually to the trustees at their stated meeting on the fourth Tuesday in the month of November, when his accounts are to be cleared; but if no alteration shall happen in the circumstances of such persons against whom the said general collector or receiver has used ultimate diligence without effect, he, upon giving evidence thereof to the trustees and their sustaining the same, shall be acquitted and discharged, notwithstanding he shall not have renewed such diligence for the preceding year's rate.

The collector to execute his office of levying and applying the produce of the fund as directed by the trustees.

[XLIX.] AND be it enacted by the authority aforesaid, that the general collector or receiver aforesaid is hereby authorized and empowered to levy the rates payable out of or in respect of the ann, and also the rates payable out of the vacant stipends or salaries respectively, and all the other sums payable for support of the fund in the manner herein-before directed, and to issue the annuities to widows and the provisions to children, and to lend out the surplusses upon interest from time to time, as he shall be directed by the trustees.

Proviso.

[L.] PROVIDED always, that it shall not be in the power of the said general collector or receiver to lend out any part of the capital, or to uplift or re-employ the same, without a particular appointment of the said trustees.

Collector to keep a publick office in Edinburgh.

[LI.] AND be it enacted by the authority aforesaid, that the said general collector or receiver shall keep a publick office within the city of Edinburgh, in which attendance shall be given from the hour of ten to twelve in the forenoon of every lawful day for thirty days immediately following the issuing of the warrants to him in the manner herein-after mentioned, and from the hour of ten to twelve in the forenoon of every Wednesday throughout the rest of the year.

Collector to deduct from widows annuities, and childrens provisions, sums due by their deceased husbands or fathers.

[LII.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the said general collector or receiver, at the sight and direction of the aforesaid trustees, to retain and deduct from the annuities of widows and from the provisions of children, such sum or sums as shall be due by the respective deceased husbands or fathers, or their heirs and executors, and which have not been or cannot be recovered, upon the said general collector or receiver making over his claim and demand upon the deceased, his heirs or executors, with all the privileges and preferences thereunto belonging, in favour of the widow or children respectively.

[LIII.] AND be it enacted by the authority aforesaid, that the said general collector or receiver shall and may appoint one or more deputies, for whom he shall be answerable, for levying the annual rates and other sums herein-before directed to be paid to him at his office in Edinburgh, in case the same shall not be paid within the time before limited.

Collector may appoint deputies.

[LIV.] AND be it enacted by the authority aforesaid, that the full expences that shall be incurred by the said general collector or receiver or his deputies, in recovering payment of the respective sums from the debtors therein, or out of their effects, through their default in not making regular payment as aforesaid, shall be recovered out of their respective estates without any abatement or mitigation.

Expences in recovering sums due from debtors to be paid out of their estates.

[LV.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the lords of council and session in Scotland or any one of them to issue letters of horning at the instance of the said general collector or receiver against all and every the ministers of the Church of Scotland, and the heads, principals and masters in the universities aforesaid, and the other persons subject and liable to one or other of the aforesaid annual rates, and against all and sundry the persons liable in payment of the rates out of or in respect of the ann and vacant stipends or salaries respectively, for compelling payment of the aforesaid sums, principal and interest, to the payment of which they or any of them are or may be liable by virtue of this Act; and that the said letters of horning shall be executed and other proceedings shall be had thereon in the same form and manner as is now in use and authorized by law with respect to hornings at the instance of the said ministers of the Church of Scotland for compelling payment of their stipends; and that no suspension of any charge to be given in virtue of such letters of horning shall be passed without consignation of the sums charged for, as is also in use and authorized by law in the aforesaid case, any law or custom to the contrary notwithstanding

Lords of council and session to issue letters of horning against ministers, &c. for compelling payment;

[LVI.] AND be it enacted by the authority aforesaid, that if the moderators of presbyteries, principals of universities, or their respective clerks, shall neglect to intimate from time to time the sums that shall fall due out of vacant benefices or salaries respectively, within the time and to the persons herein-before particularly appointed, it shall and may be lawful for the said general collector or receiver to charge them with horning for compelling payment of the damages and expences which the fund may sustain through such default; and that the said letters of horning shall be executed, and other proceedings shall be had thereon, in the same manner as is above enacted respecting hornings issued against the aforesaid ministers of the Church, and heads, principals and other masters in the universities aforesaid.

and for recovering sums due from vacant benefices and salaries.

[LVII.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the said general collector or receiver, in case of his being removed from his office before he shall have received the rates that are by this Act appointed to be made good by him, or for his sureties in case of his death, to levy the same in the same manner and by the same diligence as was competent for him to have used whilst in office, with all the privileges and preferences to which he was entitled.

Collector, or his sureties in case of his death, may recover sums appointed to be made good by him.

[LVIII.] AND be it enacted by the authority aforesaid, that all resignations of the office, whether of clerk to the trustees or of general collector or receiver,

Resignation of offices to be made to the

trustees at one of their stated meetings.

shall be made to the trustees at one or other of their four stated meetings herein-before appointed to be held, and that all resignations of the aforesaid offices at any other meetings of the trustees shall be and are hereby declared to be null and void.

Trustees may suspend or remove their officers upon reasonable cause.

[LIX.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the said trustees for reasonable causes to suspend or remove their clerk or the general collector or receiver, and thereupon to elect another clerk or general collector or receiver, who is hereby empowered to act until the next meeting of the general assembly of the Church of Scotland, which meeting is hereby authorized finally to determine upon the causes of the suspension or deprivation of the former clerk or the former general collector or receiver, and shall either restore him to his office or continue the clerk or the general collector or receiver elected by the trustees, or remit to the trustees to elect another clerk or another general collector or receiver, with power to act until the next meeting of the general assembly.

Vacancies of the office of clerk or collector to be filled up by the trustees, subject to review of the general assembly.

[LX.] AND be it further enacted by the authority aforesaid, that on every other vacancy of the office of clerk to the said trustees or of the office of general collector or receiver, whether such vacancy shall happen by resignation, death, disapprobation of the general assembly aforesaid, or any other way, it shall and may be lawful for the said trustees to elect a clerk or a general collector or receiver, who shall have power to act until the next meeting of the general assembly, which meeting is hereby impowered to continue the clerk or the general collector or receiver chosen by the trustees, or to disapprove of him; and in case the clerk or the general collector or receiver chosen by the trustees shall be disapproved of by the general assembly, the said trustees shall thereupon elect another clerk or general collector or receiver, who is hereby empowered to act until the next meeting of the general assembly; it being the true meaning and intent of this Act that in all cases of a vacancy either in the office of clerk to the trustees or of general collector or receiver, whether the said vacancy is occasioned by resignation, suspension, deprivation, death, disapprobation of the general assembly, or any other way, the said trustees shall in the first instance elect a new clerk or a general collector or receiver, such election being always subjected to the review of the general assembly in manner aforesaid.

Proviso.

[LXI.] PROVIDED always, that the clerk or general collector or receiver so named and elected by the trustees shall be allowed a proportionable part of the salary annexed to his office during the time that he shall have discharged his trust.

One or two may be chosen to execute the office of collector.

[LXII.] AND be it enacted by the authority aforesaid, that it shall and may be lawful for the said trustees to elect one or two persons, but no greater number, to execute the office of general collector or receiver, whose election shall be subject to the review of the next general assembly in the manner herein-before described.

Notice to be given of election of officers;

[LXIII.] AND be it further enacted by the authority aforesaid, that in all elections of the clerk or of the general collector or receiver aforesaid by the trustees, whether such election shall be made in a stated meeting of the trustees or in a meeting called for that purpose, notice shall be given in the Edinburgh newspapers of the intended election, and of the day appointed, for the same, at least fourteen days before the day of election.



[LXIV.] AND it is hereby enacted, that every election, whether of clerk to the trustees or of the general collector or receiver aforesaid, made by the trustees without such publick notice shall to all intents and purposes be null and void.

or such elections to be void.

[LXV.] AND be it enacted by the authority aforesaid, that the general collector or receiver so elected and chosen shall upon his admission give bond to the said trustees with one or more sufficient sureties to the extent of seven thousand pounds of lawful money of Great Britain for the faithful discharge and execution of his trust, in the manner herein-before and after enacted respecting the present general collector or receiver, and shall in consideration of his whole trouble and expence be allowed an annual salary not exceeding the sum of one hundred and fifty-five pounds of like money.

General collector to give security,

and receive salary.

[LXVI.] AND be it further enacted by the authority aforesaid, that every presbytery in Scotland, and each of the universities aforesaid, shall from time to time make up lists of all the ministers, heads, principals or masters admitted into benefices or offices within their respective presbyteries or universities, with the particular dates of their admissions, and of their respective ages at such admissions, properly certified; and with a particular account whether such minister or member of the university be married, or a widower having children, and with the date of his marriage, if the same shall happen afterwards; and also a particular list of the ministers of the presbytery and members of the university respectively who shall have died within the year, and whether they have left a widow and children, with the name of the widow, and the names and ages of the children; and also a list of all the widows who have died or been married within the year, with the dates of their death or marriage, and what children of their former husband's were alive at the time of the said widow's death or marriage; and also lists of all the vacancies happening within their said presbyteries or universities respectively, with the dates and cause of the vacancy: Which lists, as also all other lists that shall be found necessary by the trustees, and by them appointed to be made up, shall be computed from the twenty-second day of November in each year to the twenty-second day of November in the year following, and shall be attested by the moderator and clerk of the presbytery, and by the head or principal and clerk of the said universities respectively, and shall be transmitted by the said moderator, head or principal respectively to the trustees clerk residing at Edinburgh, on or before the first day of February; and the moderator of the presbytery, and the head and principal of the universities, neglecting to sign and transmit such lists as aforesaid shall for every such offence forfeit the sum of ten pounds of lawful money of Great Britain, to be paid in to the general collector or receiver and to be levied in the same manner and to be applied to the same purposes as the annual rates are herein-before appointed to be applied.

Presbyteries to make up lists of ministers, &c. admitted to benefices, &c.

[LXVII.] PROVIDED always, that the moderators of the presbyteries in the western and northern isles of Scotland shall not be subject to the said penalty of ten pounds in case they transmit such lists as aforesaid on or before the first day of May yearly.

Proviso in favour of the presbyteries in the isles.

[LXVIII.] AND be it enacted by the authority aforesaid, that the said moderators of presbyteries, and their clerks, and the heads or principals of the universities aforesaid, and their clerks respectively, shall, at the request of

Presbyteries, &c. to give certificates to the widows and children.

each widow or child claiming right to an annuity or provision, deliver to them a certificate signed as aforesaid, certifying the death of the minister, or the death or marriage of his widow, with the respective dates thereof, and the names and ages of his children.

Trustees to make up lists of widows and children intitled to receive annuities and provisions.

[LXIX.] AND be it enacted by the authority aforesaid, that the said trustees shall, at their meeting on the said third Tuesday of March yearly, make up lists of all the widows and children intitled to receive annuities and provisions out of the funds of the preceding year, mentioning the sums to which they are respectively intitled, which lists shall remain in the hands of the trustees clerk, and shall be open to the inspection of all parties interested; and it shall and may be lawful for the said parties interested to give in their objections in writing to the said clerk, to be by him laid before the said trustees for their determination at their said meeting upon the third Tuesday of May following.

Trustees to settle the lists of annuitants, &c.,

[LXX.] AND be it enacted by the authority aforesaid, that the said trustees shall, at their said meeting upon the third Tuesday of May yearly, finally settle and adjust the said lists, and their praeses shall sign two fair copies thereof, one to be kept by their clerk, and the other to be forthwith delivered to the general collector or receiver; and shall also sign a warrant upon the general collector or receiver for payment accordingly, in favour of each widow or child interested, videlicet, for payment of an annuity to every widow who shall survive twelve of the clock at noon on the twenty-sixth of May, and for payment to the children of their respective provisions on the thirteenth day of August thereafter; and shall lodge all the said warrants in the hands of their clerk, to be by him delivered to the widows as they shall call for the same, upon their producing to him such certificates as shall be required by the said warrants; and shall deliver to the children the warrants in their favour on the said thirteenth day of August, or so soon thereafter as they shall call for the same.

and issue warrants for payment, &c.

General collector to make payment upon warrants being presented to him.

[LXXI.] AND be it enacted by the authority aforesaid, that the aforesaid general collector or receiver shall, immediately upon the said warrants being presented to him at his office, upon any of the days and within the hours above specified, make payment of the respective sums therein contained, without fee or reward, upon a receipt indorsed upon the said warrants.

Widows or children to lodge the certificates required.

[LXXII.] PROVIDED always, that the widows or children claiming annuities or provisions in virtue of the aforesaid warrants shall along therewith lodge with the said general collector or receiver such certificates as shall be required by the said warrants, according to the forms prescribed by the trustees.

No rewards to be taken by the collector or clerk for delivering warrants.

[LXXIII.] AND be it enacted by the authority aforesaid, that if either the general collector or receiver or the clerk to the trustees aforesaid shall, on any pretence whatever, exact or receive any money or reward whatsoever for or in respect of delivering the aforesaid warrants, or for making payment pursuant to the said warrants, the said general collector or receiver and clerk respectively so offending shall ipso facto forfeit his office, and be incapable of ever being re-elected into the same, and upon proof of such offence being taken by the trustees, which proof they are hereby impowered to take, the said trustees are hereby impowered and required to deprive the said general collector or receiver or the said clerk respectively, and to declare him or them

incapable of being re-chosen; and if any person acting under the said general collector or receiver or under the said clerk respectively shall exact any fee or reward upon the aforesaid accounts, the said general collector or receiver or the said clerk by whom such person was appointed shall for every such offence forfeit the sum of ten pounds of lawful money of Great Britain, upon proof brought before the said trustees in manner aforesaid, which sums shall be levied and applied in the same manner as is above directed with respect to the annual rates.

[LXXIV.] AND be it enacted by the authority aforesaid, that if any widow, child or children intitled to an annuity or to provisions respectively shall be unduly omitted in making up the said annual list as aforesaid, whether such omission shall be occasioned through default of the presbyteries or universities respectively in not transmitting lists agreeable to the form that shall be prescribed by the trustees, or from whatever other cause or occasion, it shall and may be lawful for such widow, child or children to make their claim to the said trustees on or before their next stated meeting upon the third Tuesday of March in the year following; and the said trustees are hereby empowered and required to insert the said widow, child or children in their lists to be made up for that year, and shall grant warrants for payment of their annuities and provisions respectively out of the produce of the year immediately preceding.

Remedy for widows or children omitted in the lists.

[LXXV.] AND be it further enacted, that if it shall appear to the said trustees that the omission of such widow, child or children was not owing to any default of their own, but to other causes, of which the trustees are hereby declared the sole judges in this case, and no otherways, it shall be competent for them to allow such widow, child or children interest on their respective claims, from the dates when such claims shall respectively be given in.

If omission not owing to default, trustees may allow interest on their claims.

[LXXVI.] PROVIDED always, that if the widow, child or children so unduly omitted shall, if residing within the kingdoms of Great Britain or Ireland, neglect to make their claim within five years, or, if residing out of these kingdoms, within ten years after such omission, their claim shall be held as deserted and given up, and shall not be allowed at any time thereafter.

Time limited for making claims upon such omissions.

[LXXVII.] AND be it enacted by the authority aforesaid, that the payment herein-before directed shall be made to the widows or children respectively named in the warrants, if the persons so named are majors, and to the tutors and curators of such of them as are minors, and if they have no tutors or curators, to such person or persons as shall be authorised for that purpose by an act of the presbytery or university respectively of which the person under whom the provision is claimed was last a member.

Payments to be made to majors, and to tutors, &c. for minors.

[LXXVIII.] AND be it enacted by the authority aforesaid, that the aforesaid annuities payable to widows, and the provisions payable to children of the aforesaid ministers of the Church of Scotland, and of the heads, principals and masters in the universities aforesaid, shall not be liable to any arrestment, but shall be paid to the widows and children themselves, or to their tutors or curators or trustees as aforesaid, or to their executors and administrators or assigns, any law or usage to the contrary notwithstanding.

Annuities and provisions to children not liable to arrestment.

[LXXIX.] AND be it enacted by the authority aforesaid, that the said trustees herein-before named and appointed shall attend the aforesaid stated

Trustees to attend stated meetings.

meetings, and the adjourned meetings thereof, and all occasional meetings to which they shall be lawfully warned or summoned; and in case of the absence of the said trustees from any of the aforesaid four stated meetings, they shall forfeit the sum of two shillings and sixpence of lawful money of Great Britain, to be levied and applied to such purposes as the trustees shall appoint; and a certificate under the hands of the clerk shall be a sufficient evidence of such absence, and of the penalty being incurred, unless the trustees absent as aforesaid shall have a sufficient cause for such absence, and which shall be allowed by a majority of the trustees who shall be present at the respective meetings.

Proviso.

[LXXX.] PROVIDED always, that if such excuse is disallowed of, it shall not be competent for the trustees to modify or lessen the penalty.

Trustees annually to prepare a state of the fund, and cause the same to be printed.

[LXXXI.] AND be it enacted by the authority aforesaid, that the said trustees shall annually prepare a state of the funds under their management, and an account of their proceedings, which shall be laid annually before the general assembly of the Church of Scotland, and shall cause one thousand copies thereof to be printed, to lie in the hands of the clerk of the trustees in their hall till called for by the several ministers, heads, principals and masters and others liable in payment of any of the annual rates aforesaid.

Expence of printing, &c. to be paid by the collector.

[LXXXII.] AND it is hereby enacted, that the expence of printing the said annual state as aforesaid, and of supporting and keeping in repair the before mentioned house and hall of the trustees, and their other necessary or incidental expences, shall be paid by the said general collector or receiver, and shall be allowed to him out of his receipts annually; provided the said expences do not in any one year exceed the sum of seventy pounds of lawful money of Great Britain.

Collector to exhibit an account of money come to his hands.

[LXXXIII.] AND be it enacted by the authority aforesaid, that the said general collector or receiver shall annually on the said fourth Tuesday of November exhibit to the trustees at their meeting a particular account of the sums that shall then have come into his hands in the year preceding, distinguishing by whom paid and on what account, and also of the sums paid by him out of his receipts; and the said trustees shall and are hereby impowered to audit and pass his accounts, and to acquit and discharge him and his sureties from time to time of the sums so accounted for.

Annual rates paid by the ministers deemed part of their stipends.

[LXXXIV.] AND be it enacted by the authority aforesaid, that in all future processes of modification and augmentations of stipends, the aforesaid annual rates payable by the ministers of the Church of Scotland, by virtue of this Act, shall be deemed and computed as part of their stipends, any thing herein contained to the contrary notwithstanding.

\* \* \* \* \*

Publick Act.

[LXXXVII.] AND it is hereby further enacted and declared, that this Act shall be deemed and taken to be a publick Act, and all judges, justices and other persons are to take notice thereof as such in all courts and places whatsoever, without specially pleading the same.

## CHAPTER XLIV.

## AN ACT for the further Relief of Protestant Dissenting Ministers and Schoolmasters.

**W**HEREAS by an Act made in the first year of the reign of King William and Queen Mary (intituled An Act for exempting their Majesties Protestant subjects dissenting from the Church of England from the penalties of certain laws), persons dissenting from the Church of England, in holy orders or pretended holy orders, or pretending to holy orders, and preachers or teachers of any congregation of dissenting Protestants are required, in order to be entitled to certain exemptions, benefits, privileges and advantages, to declare their approbation of and to subscribe the articles of religion mentioned in the statute made in the thirteenth year of the reign of Queen Elizabeth (except as in the said Act made in the first year of the reign of King William and Queen Mary is excepted): And whereas many such persons scruple to declare their approbation of and to subscribe the said articles not excepted as aforesaid: For giving ease to such scrupulous persons in the exercise of religion, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person dissenting from the Church of England, in holy orders or pretended holy orders, or pretending to holy orders, being a preacher or teacher of any congregation of dissenting Protestants, who . . . . . shall . . . make and subscribe a declaration in the words following; videlicet,

Preamble,  
reciting the  
Toleration Act,  
1 Will. & Mar.  
[c. 18.]

Protestant  
dissenting  
ministers, who  
shall make and  
subscribe the  
following  
declaration,

**I** A.B. do solemnly declare, in the presence of Almighty God, that I am a Christian and a Protestant, and as such that I believe that the Scriptures of the Old and New Testament, as commonly received among Protestant churches, do contain the revealed will of God; and that I do receive the same as the rule of my doctrine and practice:

shall be, and every such person is hereby declared to be, entitled to all the exemptions, benefits, privileges and advantages granted to Protestant dissenting ministers by the said Act made in the first year of the reign of King William and Queen Mary; . . . . . and the justices of the peace at the general session of the peace to be holden for the county or place where any Protestant dissenting minister shall live are hereby required to tender and administer the said last-mentioned declaration to such minister, upon his offering himself to make and subscribe the same, and thereof to keep a register; and such minister shall not give or pay, as a fee or reward to any officer or officers belonging to the court aforesaid, above the sum of sixpence for his or their entry of such minister's making and subscribing the said last-mentioned declaration, . . . . . nor above the sum of sixpence for any certificate thereof to be made out and signed by the officer or officers of the said court; and every such person qualifying himself as aforesaid shall be exempted from serving in the militia of this kingdom, and shall also be exempted from any imprisonment or other punishment by virtue of an Act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled "An Act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies, and for establishing

shall be intitled to all the privileges granted by the Toleration Act,

and shall be exempted from serving in the militia, and from any punishment by virtue of the Act of Uniformity, &c.

" the form of making, ordaining and consecrating bishops, priests and  
 " deacons in the Church of England," or by an Act made in the fifteenth  
 year of the same reign, intituled "An Act for relief of such persons as by  
 " sickness or other impediment were disabled from subscribing the decla-  
 " ration in the Act of Uniformity, and explanation of part of the said Act,"  
 for preaching or officiating in any congregation of Protestant dissenters for  
 the exercise of religion permitted and allowed by law.

Dissenters  
 qualifying  
 themselves as  
 aforesaid al-  
 lowed to in-  
 struct youth.

[II.] AND be it further enacted by the authority aforesaid, that no  
 dissenting minister, nor any other Protestant dissenting from the Church of  
 England, who shall . . . . . make and subscribe . . . . . the  
 declaration herein-before mentioned shall be prosecuted in any court what-  
 soever for teaching and instructing youth as a tutor or school-master, any  
 law or statute to the contrary notwithstanding.

No Dissenter  
 to hold the  
 mastership of  
 any college or  
 school of royal  
 foundation, &c.

[III.] PROVIDED always, that nothing in this Act contained shall extend  
 or be construed to extend to the enabling of any person dissenting from the  
 Church of England to obtain or hold the mastership of any college or school  
 of royal foundation, or of any other endowed college or school for the  
 education of youth, unless the same shall have been founded since the first  
 year of the reign of their late Majesties King William and Queen Mary, for  
 the immediate use and benefit of Protestant dissenters.

The Act  
 1 Will. & Mar.  
 [c. 18.] and  
 this Act to be  
 deemed publick  
 Acts.

[IV.] AND whereas it hath been doubted whether the said Act made in the  
 first year of the reign of King William and Queen Mary be a publick or  
 private Act: Be it enacted and declared, that the said Act, and also this  
 present Act, shall be adjudged, deemed and taken to be publick Acts, and  
 shall be judicially taken notice of as such by all judges, justices and other  
 persons whomsoever, without specially pleading them or either of them.

## CHAPTER XLIX.

AN ACT to prevent Abuses in the Payment of Wages to Persons employed in  
 the Bone and Thread Lace Manufactory.

Preamble.

**W**HEREAS the practice of paying persons employed in the making of  
 bone and thread lace in the whole or in part with goods instead of  
 money is a great injury to the lace-makers and tends to the discouragement  
 of the lace manufacture: And whereas it would tend to encourage the manu-  
 facture of bone and thread lace if the persons employed therein were in  
 future to be paid in money only, and if some provision was made for the  
 more easy and speedy recovery of such money; . . . . .

Forfeiture of  
 10*l.* for pay-  
 ment of lace-  
 makers with  
 goods, &c.,

to be levied by  
 distress.

[II.] AND be it further enacted and declared, that if any lace merchant or dealer in  
 lace, or other person, shall after the said twenty-fourth day of June one thousand seven  
 hundred and seventy-nine pay any person or persons employed in making bone or  
 thread lace in the whole or in part for their labour or for the purchase of any bone  
 or thread lace with goods or by way of truck or in any other manner than with  
 money only, every such lace merchant, dealer in lace or other person so offending  
 shall for every such offence forfeit and pay the sum of ten pounds, to be levied and  
 recovered by distress and sale of the goods and chattels of the offender, by warrant  
 under the hand and seal of any one justice of the peace within the county, city or  
 place where such offence shall be committed, rendering the overplus, if any, to the  
 owner or owners of such goods and chattels, after deducting the reasonable charges of  
 such warrant, distress and sale; and such forfeitures, when recovered, shall be paid

to the party or parties aggrieved; and for want of sufficient distress, such justice shall and is hereby authorised and required to commit the offender to the common gaol, prison or house of correction, there to remain without bail or mainprize for the space of six calendar months, unless such penalty and the charges attending the recovery thereof shall be sooner paid and satisfied. [Rep., 1 & 2 Will. 4. c. 36. s. 1.]

On failure of distress offender to be committed.

[III.] AND be it further enacted by the authority aforesaid, that from and after the said twenty-fourth day of June one thousand seven hundred and seventy-nine, if any sum or sums of money shall be due and owing to any person or persons employed in the making of any bone or thread lace for his or her labour or for the purchase of any such lace, every such person shall and may apply to any justice of the peace for the county, city or place where the cause of complaint shall arise, and in case it shall upon the oath of the party complaining (which oath such justice is hereby empowered to administer) appear to such justice that such money is due and owing as aforesaid, then such justice shall and is hereby authorised and required to cause the same to be levied and recovered in the same manner as the forfeiture hereinbefore imposed is directed to be levied and recovered.

How lace-makers may recover debts due to them for lace sold, or for making thereof.

[IV.] PROVIDED always, that if any person shall think himself or herself aggrieved by any thing done in pursuance of this Act, it shall and may be lawful for any such person to appeal to the justices of the peace at any general quarter sessions to be holden for the county, city or place where the act, order or proceeding appealed against shall be made or done, within six calendar months next after the making or doing thereof, the person appealing first giving fourteen days previous notice to the person or persons in whose favour such act, order or proceeding shall be made or done of his or her intention to bring such appeal; and the justices at such quarter sessions are hereby authorised and required to hear and determine the matter of every such appeal, and to make such order therein, and to award such costs to either party, as they shall think proper, and by their order or warrant to levy the costs which shall be so awarded by distress and sale of the goods and chattels of the person or persons liable to pay the same, rendering the overplus (if any) to the owner or owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and the determination of the justices in the said quarter sessions shall be final, binding and conclusive upon all the parties.

Persons aggrieved may appeal to the quarter sessions,

on giving 14 days notice.

## CHAPTER LXX.

AN ACT for extending the Provisions of an Act made in the Twelfth Year of the Reign of King George the First, intituled "An Act to prevent "frivolous and vexatious Arrests;" and for other Purposes.

\* \* \* \* \*

[IV.\*] AND forasmuch as persons served with process issuing out of inferior courts where the debt is under ten pounds, may in order to avoid execution remove their persons and effects beyond the limits of the jurisdiction of such courts: Be it enacted by the authority aforesaid, that in all cases

In all cases where final judgement shall be obtained in an inferior court,

[\* So much of this section as relates to execution against the person of a defendant, and to detaining a defendant, rep., 32 & 33 Vict. c. 83. s. 20.]

and affidavit made thereof in any court of record at Westminster, and of execution having issued against the person or effects of the defendant, and that the same cannot be found within the jurisdiction of the inferior court, the record of such judgement may be removed into the superior court, and writs of execution issued to the sheriff of any county, &c.

Upon what conditions execution shall be stayed upon any writ of error, &c. for reversing judgement given in an inferior court, where the damages are under 10*l*.

No cause under 10*l*. to be removed into a superior court unless the defendant become bound to pay debt and costs if judgement pass against him.

where final judgement shall be obtained in any action or suit in any inferior court of record, it shall and may be lawful to and for any of his Majesty's courts of record at Westminster, upon affidavit made and filed therein of such judgement being obtained, and of diligent search and enquiry having been made after the person or persons of the defendant or defendants, or his, her or their effects, and of execution having issued against the person or persons or effects, as the case may be, of the defendant or defendants, and that the person or persons or effects of the defendant or defendants are not to be found within the jurisdiction of such inferior court, which affidavit may be made before a judge or commissioner authorized to take affidavits, and such superior court, to cause the record of the said judgement to be removed into such superior court, to issue writs of execution thereupon to the sheriff of any county, city, liberty or place against the person or persons or effects of the defendant or defendants in the same manner as upon judgements obtained in the said courts at Westminster; and the sheriff upon every such execution shall and he is hereby authorised to detain the defendant or defendants until the sum of twenty shillings be paid to him, or to levy the same out of the effects, according to the nature of the execution, for the extraordinary costs of the plaintiff or plaintiffs in the inferior court subsequent to the said judgement, and of the execution in the superior court, over and above the money for which such execution shall be issued.

[V.] PROVIDED always, and be it further enacted by the authority aforesaid, that from and after the first day of July one thousand seven hundred and seventy-nine, no execution shall be stayed or delayed upon or by any writ of error or supersedeas thereon to be sued for the reversing of any judgement given or to be given in any inferior court of record where the damages are under ten pounds, unless such person or persons in whose name or names such writ of error shall be brought, with two sufficient sureties, such as the court (wherein such judgement is or shall be given) shall allow of, shall first, before such stay made or supersedeas to be awarded, be bound unto the party for whom any such judgement is or shall be given, by recognizance to be acknowledged in the same court in double the sum adjudged to be recovered by the said former judgement, to prosecute the said writ of error with effect, and also to satisfy and pay (if the said judgement be affirmed, or the said writ of error be non-pros'd) all and singular the debt, damages and costs adjudged or to be adjudged, and all costs and damages to be awarded for the same delaying of execution.

[VI.] PROVIDED also, and be it further enacted, that no cause, where the cause of action shall not amount to the sum of ten pounds or upwards, shall be removed or removeable into any superior court by any writ of habeas corpus or otherwise, unless the defendant who shall be desirous of removing such cause shall enter into the like recognizance for payment of the debt and costs in case judgement shall pass against him.

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## 20 GEORGE III. A.D. 1779-80.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-NINTH DAY OF NOVEMBER,  
A.D. 1774,

IN THE FIFTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD,

AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE

TWENTY-FIFTH DAY OF NOVEMBER, A.D. 1779,

BEING THE SIXTH SESSION OF THE FOURTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XVII.

AN ACT to remove certain Difficulties relative to Voters at County Elections.

\* \* \* \* \*

[XII.] AND whereas disputes have arisen whether the husbands of women entitled to dower or thirds at common law out of the estates of their former husbands, shall be entitled to vote in the election of members of Parliament unless dower has been assigned and set out by metes and bounds for such women: Be it therefore further enacted, that where any woman, the widow of any person tenant in fee or in tail, shall be entitled to dower or thirds by the common law out of the freehold estate of which her husband died seised or possessed of, and shall intermarry with a second husband, such second husband shall be entitled to vote in respect of such dower or thirds, if such dower or thirds shall be of the clear yearly value of forty shillings or upwards, although the same has not been assigned or set out by metes or bounds, if such second husband shall be in the actual receipt of the profits of such dower, . . . . .

Husbands of women entitled to dower out of the estates of their former husbands may vote in respect thereof, although the said dower has not been set out by metes or bounds.

\* \* \* \* \*

## 21 GEORGE III. A.D. 1780-1.

## STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE THIRTY-FIRST DAY OF OCTOBER,  
A.D. 1780,

IN THE TWENTY-FIRST YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
BEING THE FIRST SESSION OF THE FIFTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XIV.

AN ACT for raising a certain Sum by way of Annuities and a Lottery;  
and for consolidating certain Annuities which were made one joint  
Stock by an Act made in the Second Year of the Reign of his present  
Majesty with certain Annuities consolidated by several Acts made in  
the Twenty-fifth and Twenty-sixth Years of the Reign of King George  
the Second, and in the Fifth Year of the Reign of his present Majesty.

\* \* \* \* \*

Offences com-  
mitted in Ire-  
land against  
British Acts  
for preventing  
unlawful lot-  
teries made  
punishable.  
Penalties may  
be sued for in  
Dublin.

LX. AND be it further enacted by the authority aforesaid, that if any  
offence against this Act or any of the Acts of Parliament made in this  
kingdom for preventing private and unlawful lotteries shall be committed  
in Ireland, the offender shall incur the like penalty and punishment, to be  
inflicted in like manner, as if the offence was committed in this kingdom; and  
that such penalties as by this Act or any of the said Acts are directed to  
be recovered in any of his Majesty's courts of record at Westminster shall,  
in case of offences committed against this Act or any of the said Acts in  
Ireland, be recovered in any of his Majesty's courts of record in Dublin.

\* \* \* \* \*

## CHAPTER XLIX.

AN ACT for preventing certain Abuses and Profanations on the Lord's Day,  
called Sunday.

Preamble.

WHEREAS certain houses, rooms or places within the cities of London  
or Westminster or in the neighbourhood thereof have of late fre-  
quently been opened for publick entertainment or amusement upon the  
evening of the Lord's Day, commonly called Sunday; and at other houses,  
rooms or places within the said cities or in the neighbourhood thereof, under  
pretence of enquiring into religious doctrines and explaining texts of Holy  
Scripture, debates have frequently been held on the evening of the Lord's  
Day concerning divers texts of Holy Scripture by persons unlearned and  
incompetent to explain the same, to the corruption of good morals, and to  
the great encouragement of irreligion and profaneness: Be it enacted by the  
King's most excellent Majesty, by and with the advice and consent of the  
lords spiritual and temporal, and commons, in this present Parliament

assembled, and by the authority of the same, that from and after the passing of this present Act any house, room or other place which shall be opened or used for publick entertainment or amusement, or for publickly debating on any subject whatsoever, upon any part of the Lord's Day, called Sunday, and to which persons shall be admitted by the payment of money or by tickets sold for money, shall be deemed a disorderly house or place; and the keeper of such house, room or place shall forfeit the sum of two hundred pounds for every day that such house, room or place shall be opened or used as aforesaid on the Lord's Day, to such person as will sue for the same, and be otherwise punishable as the law directs in cases of disorderly houses; and the person managing or conducting such entertainment or amusement on the Lord's Day, or acting as master of the ceremonies there, or as moderator, president or chairman of any such meeting for publick debate on the Lord's Day, shall likewise for every such offence forfeit the sum of one hundred pounds to such person as will sue for the same; and every doorkeeper, servant or other person who shall collect or receive money or tickets from persons assembling at such house, room, or place on the Lord's Day, or who shall deliver out tickets for admitting persons to such house, room or place on the Lord's Day, shall also forfeit the sum of fifty pounds to such person as will sue for the same.

II. AND whereas, by reason of the many subtle and crafty contrivances of persons keeping such houses, rooms or places as aforesaid, it may often be difficult to prove who is the real owner or keeper thereof: Be it enacted by the authority aforesaid, that any person who shall at any time hereafter appear, act or behave him or herself as master or mistress, or as the person having the care, government or management of any such house, room or place as aforesaid, shall be deemed and taken to be the keeper thereof, and shall be liable to be sued or prosecuted and punished as such, notwithstanding he or she be not in fact the real owner or keeper thereof: And wherever any such house, room or place shall belong to or be kept by divers persons in partnership, as joint-owners or joint-keepers thereof, each and every such joint-owner or joint-keeper of such house, room or place shall be deemed the keeper thereof, and shall be liable to be sued or prosecuted and punished as such; and any house, room or place at which persons shall be supplied with tea, coffee or any other refreshments of eating or drinking on the Lord's Day at any greater prices than the common and usual prices at which the like refreshments are commonly sold upon other days at such house, room, or place, or at coffee houses or other houses where the same are usually sold, shall be deemed a house, room or place to which persons are admitted by the payment of money, although money be not there taken in the name of or for admittance, or at the time when persons enter into or depart from such house, room or place; and any house, room or place which shall be opened or used for any publick entertainment or amusement or for publick debate on the Lord's Day, at the expence of any number of subscribers or contributors to the carrying on any such entertainment or amusement or debate on the Lord's Day, and to which persons shall be admitted by tickets, to which the subscribers or contributors shall be intitled, shall be deemed a house, room or place to which persons are admitted by the payment of money within the meaning of this Act.

From the passing of this Act, any house, &c. opened for publick amusement or debate on a Sunday, to which persons shall be admitted by payment of money, &c., shall be deemed a disorderly house, and the keeper thereof shall forfeit 200*l.* for every Sunday the same shall be used as aforesaid.

Penalty on the president, &c., doorkeepers and servants.

The person who acts as master or mistress in any such house shall be deemed the keeper thereof.

Where there are joint-owners, each of them shall be liable to prosecution.

All houses where refreshments are sold on Sundays at more than the usual prices,

and such as are opened for publick amusement or debate on Sundays by subscription, &c., shall be liable to the penalties inflicted by this Act.

Penalty on  
advertising any  
such publick  
amusement for  
Sunday, and on  
printing such  
advertisement.

III. AND for the better preventing persons assembling on the Lord's Day for such irreligious purposes as aforesaid, be it further enacted by the authority aforesaid, that any person advertising or causing to be advertised any publick entertainment or amusement or any publick meeting for debating on any subject whatsoever on the Lord's Day, to which persons are to be admitted by the payment of money or by tickets sold for money, and any person printing or publishing any such advertisement, shall respectively forfeit the sum of fifty pounds for every such offence to any person who will sue for the same.

Penalties how  
to be recovered.

IV. AND be it further enacted by the authority aforesaid, that any person intitled to either of the aforesaid forfeitures may sue for the same by action of debt in any of his Majesty's courts of record at Westminster, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of [being the sum demanded by the said action], being forfeited by an Act made in the twenty-first year of the reign of his Majesty King George the Third, intituled "An Act for preventing certain abuses and profanations on the Lord's Day, called Sunday;" and the plaintiff, if he recover in any such action, shall have his full costs.

Actions to be  
brought within  
6 months.

V. PROVIDED that no action shall be brought for either of the said penalties by this Act imposed unless the same be brought within six calendar months next after the offence committed.

Persons sued  
for things done  
pursuant to  
this Act may  
plead the  
general issue,  
and recover  
treble costs.

VI. PROVIDED also, that if any action or suit shall be brought against any person for any thing done in pursuance and in execution of this Act, the defendant may plead the general issue; and if a verdict pass for the defendant, or the plaintiff discontinue his or her action or be nonsuited or judgement be given against the plaintiff, then such defendant shall have treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

This Act not to  
affect the eccle-  
siastical juris-  
diction,

VII. PROVIDED also, that the ecclesiastical jurisdiction within this realm shall not by this Act be altered or abridged, but that the ecclesiastical courts may punish the said offences as if this Act had not been made.

nor the Tolera-  
tion Act,  
1 Will. & Mar.  
[c. 18.]

VIII. PROVIDED also, that nothing in this Act contained shall be construed to extend to take away, alter or abridge any of the liberties or immunities to which the Protestant subjects of this kingdom are intitled by an Act made in the first year of the reign of King William and Queen Mary, intituled "An Act for exempting their Majesties Protestant subjects dissenting from the Church of England from the penalties of certain laws."

## CHAPTER LXVI.

AN ACT to explain and amend an Act made in the Seventeenth Year of the Reign of his present Majesty, intituled "An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing or purchasing Houses, and other necessary Buildings and Tenements, for the Use of their Benefices."

Preamble.  
Recital of  
17 Geo. 3.  
c. 53.

WHEREAS by an Act passed in the seventeenth year of the reign of his present Majesty, intituled "An Act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices," it is enacted, amongst other things, that the incumbent of every living or

benefice of which the glebe, tithes, rents and profits shall be mortgaged for the purposes of the said Act shall pay the interest arising upon every such mortgage yearly as the same shall become due, and also five pounds per centum per annum if such incumbent was resident, and ten pounds per centum per annum if non-resident, of the principal remaining due by yearly payments, which words, if literally understood and observed, would contrary to the true intent and meaning of the said Act render the discharge of the principal sum impracticable, and thereby discourage persons from lending money upon such securities: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the incumbent of every living or benefice of which the glebes, tithes, rents and profits have been or shall be mortgaged for the purposes of the said Act shall from and after the passing of this Act well and truly pay or cause to be paid to every such mortgagee, over and besides the interest of the principal money due upon such mortgage, the sum of five pounds per centum per annum if resident, or ten pounds per centum per annum if non-resident, of the money originally advanced upon such mortgage, until the whole of the said principal money shall be discharged; and if upon any such mortgage or mortgages already made less shall have been paid by the present incumbent than what is hereby directed to be paid, he shall and he is hereby required within six months after the passing of this Act to make up the deficiency, and in default of payment thereof within the time aforesaid the same shall be recovered in such and the same manner as the interest is recoverable by virtue of the provisions in the said recited Act. [Rep., Stat. Law Rev. Act, 1871.]

The incumbent of every living whereof the glebes, &c. have been or shall be mortgaged for the purposes of the recited Act shall pay to the mortgagee, besides interest, 5 per cent. per ann. of the principal if resident, or 10 per cent. if non-resident. Forms in the schedule to be observed.

II. AND be it further enacted, that the forms contained in the said schedule respecting the allowance of accounts, and the bond and receipt to be given by the nominee, as directed by the said recited Act, or forms to the like effect, shall be observed and complied with in the execution of this and the said recited Act.

III. AND be it further enacted, that this Act, and every thing herein contained, shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

Publick Act.

STATE of Account of the Money advanced and paid by A.B. (rector or vicar, etcetera, as the case shall be) of the living of \_\_\_\_\_ in the county of \_\_\_\_\_ for the building (rebuilding or repairing) the parsonage house and buildings belonging to the said living, according to the direction of a statute made in the seventeenth year of the reign of his Majesty King George the Third,

C.D. Ordinary.

E.F. Patron.

G.H. Incumbent.

FORM of Allowance of the Nominee's Account of the Money received and expended by him pursuant to the directions of the said statute of the seventeenth of George the Third, to be written at the foot of such account.

WE have examined, and do hereby approve and allow the above account.  
Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_

A.B. Ordinary.

C.D. Patron.

E.F. Incumbent.

RECEIPT to be signed by the Nominee for the money which shall be borrowed and paid into his hands, pursuant to the direction of the said Act.

**I** A.B., being the person nominated by the ordinary, patron and incumbent of the rectory (vicarage, etcetera, as the case shall be) of in the county of and diocese of the bishop of to receive and apply the money authorized to be borrowed by mortgage of the glebe, tithes, rents and other profits and emoluments of the said for the purpose of building (rebuilding or repairing, as the case shall be) the parsonage house (or outbuildings, etcetera, as the case shall be) belonging to such living or benefice, do hereby acknowledge to have received from the hands of C.D., being the person to whom such mortgage is intended to be made, the sum of being the sum for which such mortgage or security is to be made: And I do hereby promise to apply the same in such manner and for such purposes as are directed by the said Act.

FORM of BOND to be given by the Nominee and his surety, pursuant to the direction of the said Act.

**O**BLIGATION of the bond (in the common form of obligations) from A.B. (describing him as in the last form of receipt) and C.D. of, etcetera (describing the surety), to (describing the ordinary) in the penal sum of (to be double the sum for which the security is to be given, etcetera, etcetera).

FORM of the CONDITION of the said BOND.

**T**HE condition of the above obligation is such, that if the said A.B. (naming the nominee as before mentioned) shall and do justly and truly pay and account for the sum of received by him this day from C.D., being the person to whom a mortgage hath been this day made and executed of the glebe, tithes, rents and other profits and emoluments of the rectory (vicarage, etcetera, as the case shall be) of for the purpose of building (rebuilding or repairing) of the said rectory, etcetera (as the case shall be), according to the true intent and meaning of two several Acts of Parliament passed in the seventeenth and twenty-first years of the reign of his Majesty King George the Third for those purposes, then this obligation to be void, or otherwise to remain in force.

A.B.

C.D.

## CHAPTER LXX.

AN ACT to explain and amend so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, intituled "An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe," as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal under a Judgement of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.

**W**HEREAS, in virtue of an Act passed in the thirteenth year of his present Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," his Majesty, by his royal letters patent of the twenty-sixth day of March, in the fourteenth year of his reign, did create and constitute a court of record, to be within the factory of Fort William at Calcutta in Bengal, called the Supreme Court of Judicature at Fort William in Bengal, with sundry directions, powers and authorities to the said court in the said letters patent set forth and expressed: And whereas many doubts and difficulties have arisen concerning the true intent and meaning of certain clauses and provisions in the said Act and letters patent, and by reason thereof dissension hath arisen between the judges of the Supreme Court and the governor general and council of Bengal, and the minds of many inhabitants subject to the said government have been disquieted with fears and apprehensions, and further mischiefs may possibly ensue from the said misunderstandings and discontents if a seasonable and suitable remedy be not provided: And whereas it is expedient that the lawful government of the provinces of Bengal, Bahar and Orissa should be supported, that the revenues thereof should be collected with certainty and that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights and privileges: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the governor general and council of Bengal shall not be subject, jointly or severally, to the jurisdiction of the Supreme Court of Fort William in Bengal for or by reason of any act or order, or any other matter or thing whatsoever counselled, ordered or done by them in their publick capacity only, and acting as governor general and council.

Preamble.  
Recital of  
13 Geo. 3.  
c. 63.

The governor  
general and  
council of  
Bengal not to  
be subject to  
the Supreme  
Court.

II. AND it is hereby enacted and declared, that if any person or persons shall be impleaded in any action or process, civil or criminal, in the said Supreme Court for any act or acts done by the order of the said governor general and council in writing, he or they may plead the general issue, and give the said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall

Persons im-  
pleaded in the  
Supreme Court  
for acts done  
by order of the  
governor  
general, &c.  
may plead the  
general issue,  
&c.

be fully justified, acquitted and discharged from all and every suit, action and process whatsoever, civil or criminal, in the said court.

Proviso.

III. PROVIDED always, that with respect to such order or orders of the said governor general and council as do or shall extend to any British subject or subjects, the said court shall have and retain as full and competent jurisdiction as if this Act had never been made.

The governor general, &c. to remain liable to any complaint before a competent court in this kingdom.

IV. PROVIDED also, that nothing herein contained shall extend or be construed to extend to discharge or acquit the said governor general and council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit or process before any competent court in this kingdom, or to give any other authority whatsoever to their acts than acts of the same nature and description had by the laws and statutes of this kingdom before this Act was made.

If any person making complaint to the Supreme Court against the governor general, &c. shall execute a bond to the company to prosecute the same in some competent court in Great Britain, &c.,

such person may compel, by order of the court, the production of copies of the orders complained of, &c.

V. AND in order to prevent all abuse of the powers given to the governor general and council, be it further enacted, that in case any person by himself or his attorney or counsel shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said governor general or any member or members of the council, or any other person or persons by or in virtue of any order given by the said governor general and council, and shall execute a bond with some other person whom the said court shall deem responsible, jointly and severally, to the United East India Company, in such a penalty as the court shall appoint, effectually to prosecute the said complaint by indictment, information or action in some competent court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made, that then and in such case the party complaining shall be and is hereby enabled to compel by order of the court the production in the said Supreme Court of true copy or copies of the order or orders of council complained of, and to have the same authenticated by the court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights and privileges relative to proof of the said complaint or defence, and also relative to any mandamus or commission to be issued by any of his Majesty's courts in Westminster-hall, in case the court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an Act of the thirteenth year of his Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe;" and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited Act.

Authenticated copies of orders, &c. shall be received in evidence in the courts at Westminster.

VI. AND be it further enacted, that all copies so authenticated of orders of the said governor general and council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's courts of law or equity at Westminster.



VII. AND be it further enacted, that no prosecution or suit shall be carried on against the said governor general or any member of the council before any court in Great Britain (the High Court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England.

Limitation of actions.

VIII. AND be it further enacted, that the said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any act or acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the governor general and council.

Supreme Court not to have any jurisdiction in any matter concerning the revenue.

IX. AND for removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, be it enacted, that no person shall be subject to the jurisdiction of the Supreme Court for or by reason of his being a landowner, landholder or farmer of land or of land rent, or for receiving a payment or pension in lieu of any title to or ancient possession of land or land rent, or for receiving any compensation or share of profits for collecting of rents payable to the publick out of such lands or districts as are actually farmed by himself, or those who are his under-tenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of Bengal, Bahar and Orissa, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of land, within the provinces of Bengal, Bahar and Orissa.

No person shall be subject to the jurisdiction of the Supreme Court on account of his being a landowner or farmer of land, &c.;

X. AND be it further enacted, that no person for or by reason of his being employed by the company or the governor general and council or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native of Great Britain, shall become subject to the jurisdiction of the Supreme Court in any matter of inheritance or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing to submit the same to the decision of the said court.

nor for being employed by the company, &c.,

except in actions for trespasses, &c.

XI. AND for the more perfectly ascertaining those of the natives who shall be subject to the jurisdiction of the Supreme Court, on account of their being employed by any of his Majesty's British subjects: Be it enacted, that on or before the first day of January one thousand seven hundred and eighty-three, the governor general and council shall cause the name, description and place of usual abode of all and every native employed in the service of the East India Company in any judicial office, or as principal native officer of any district in the collection of revenue, or in any commercial concerns of the company (except as herein-before excepted), to be entered in a book or books alphabetically disposed, distinguishing the district in which the said officers are employed, of which book or books two copies shall be made, one of which shall remain in the provincial office, and the other of which shall be registered in the Supreme Court; and the governor general and council are hereby required to register or cause to be registered the name of every person who shall afterwards be appointed to succeed to any office vacant or new created, within three months of the said appointment or creation.

The name, description and place of abode of every native employed in the service of the company in any judicial office, &c. shall be entered in a book, &c.

On the death of any person employed by the company his name shall be entered in a book.

All British subjects shall enter in the provincial office the name and place of abode of their native stewards, agents, &c.

Penalty on British subjects employing any native agent, &c. not so registered.

No native entitled to any salary before he is registered.

Penalty on British European subjects engaging in trade with native partners not registered.

How the Supreme Court shall determine actions between Mahomedan and Gentu inhabitants of Calcutta.

XII. AND be it further enacted, that whenever any person or persons shall happen to die, or shall be removed from any judicial office or employment whatsoever in the service of the East India Company, the name or names of such person or persons so dying or removed as aforesaid shall be entered in a book or books for that purpose, to be kept in the manner aforesaid.

XIII. AND it is hereby further enacted, that all and every of his Majesty's British subjects shall in like manner cause to be entered in the provincial office of the district in which the said British subject doth most commonly reside, the name, description and place of abode of his native steward or stewards, agent or agents or partner or partners in any concern of revenue or merchandize (if any such steward, agent or partner he hath), and in like manner shall enter or cause to be entered, within three months from the time of succession or new appointment or new partnership, the names of him or them who are dismissed, dead or new appointed in the said provincial office; and the president of the said council is directed to transmit within three months to Calcutta the name of every person who shall succeed to the said employment or partnership, for which a fee of one sicca rupee for every entry and no more shall be paid to the officer keeping the said register.

XIV. AND be it further enacted, that if any British subject shall be convicted before the Supreme Court of employing any native agent or engaging with any native partner not registered as herein-before is provided, or who shall be bona fide and in effect and substance such agent or partner (although by covin, collusion or deceit the same may be covered and concealed contrary to the true intent and meaning of this Act), the said British subject, if in the company's service shall forfeit on conviction the sum of five hundred pounds, and if not in the Company's service shall forfeit one hundred pounds, to any person suing for the same.

XV. AND it is hereby further enacted, that no native shall, after the first day of January one thousand seven hundred and eighty-three, be entitled to receive any fee or salary except from the day of the date of his registry.

XVI. AND be it further enacted, that if any British European subject shall engage in any concern of trade with a native partner not registered as herein directed, the said British subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof, by any suit in law or equity in any court within the said provinces; and any person prosecuting to conviction in the Supreme court a British subject having a native partner or agent not being registered as aforesaid, shall be entitled to and shall recover by due process of the said court the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said British subject's share of profit of any partnership entered into with any person or persons not conforming to the regulations of this Act.

XVII. PROVIDED always, and be it enacted, that the Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine in such manner as is provided for that purpose in the said charter or letters patent all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta; provided that their inheritance and succession to lands, rents and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mahomedans

by the laws and usages of Mahomedans, and in the case of Gentûs by the laws and usages of Gentûs ; and where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant.

XVIII. AND in order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families and masters of families according as the same might have been exercised by the Gentû or Mahomedan law shall be preserved to them respectively within their said families ; nor shall any acts done in consequence of the rule and law of cast respecting the members of the said families only be held and adjudged a crime, although the same may not be held justifiable by the laws of England.

The authority of fathers and masters of families among the natives to be preserved, &c.

XIX. AND be it further enacted, that it shall and may be lawful for the Supreme Court of Judicature at Fort William in Bengal to frame such process, and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of Bengal, Bahar and Orissa, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

The Supreme Court may frame such forms of process, &c. in suits against the natives as shall suit their religion and manners.

XX. PROVIDED always, and be it enacted, that such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal secretaries of state, to be laid before his Majesty for his royal approbation, correction or refusal ; and such process shall be used and such rules and orders shall be observed, until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

Such forms to be transmitted to one of the secretaries of state, for his Majesty's approbation.

XXI. AND whereas the governor general and council, or some committee thereof or appointed thereby, do determine on appeals and references from the country or provincial courts in civil causes : Be it further enacted, that the said court shall and lawfully may hold all such pleas and appeals in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a court of record ; and the judgements therein given shall be final and conclusive, except upon appeal to his Majesty in civil suits only the value of which shall be five thousand pounds and upwards.

The governor general and council, &c. shall determine on appeals, and be deemed a court of record ;

XXII. AND it is hereby further enacted, that the court aforesaid shall and is hereby declared to be a court to hear and determine on all offences, abuses and extortions committed in the collection of revenue, or of severities used beyond what shall appear to the said court customary or necessary to the case, and to punish the same according to sound discretion, provided the said punishment does not extend to death or maiming or perpetual imprisonment.

and shall determine on all offences committed in collecting the revenue, &c.

XXIII. AND it is hereby enacted, that the governor general and council shall have power and authority from time to time to frame regulations for the provincial courts and councils, and shall within six months after the making the said regulations transmit or cause to be transmitted copies of all the said regulations to the court of directors and to one of his Majesty's principal secretaries of state, which regulations his Majesty in council may disallow or amend ; and the said regulations if not disallowed within two years shall be of force and authority to direct the said provincial courts, according to the tenor of the said amendment, provided the same do not produce any new expence to the suitors in the said court.

The said court may frame regulations for the provincial courts, &c.

Judicial officers in the country courts not liable to actions for wrong, &c. in the Supreme Court for their decrees, &c.

No rule, &c. shall be made on information against any such officer until proper notice has been given to him.

No such magistrate liable to arrest until he shall have declined to appear to answer, &c.

XXIV. AND whereas it is reasonable to render the provincial magistrates, as well natives as British subjects, more safe in the execution of their office: Be it enacted, that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the country courts for any judgement, decree or order of the said court, nor against any person for any act done by or in virtue of the order of the said court.

XXV. AND be it further enacted, that in case of an information intended to be brought or moved for against any such officer or magistrate for any corrupt act or acts, no rule or other process shall be made or issued thereon until notice be given to the said magistrate or officer or left at his usual place of abode in writing signed by the party or his attorney, one month if the person exercising such office shall reside within fifty miles of Calcutta, two months if he shall reside beyond fifty miles, and three months if he shall reside beyond one hundred miles from Calcutta, before the suing out or serving the same, in which notice the cause of complaint shall be fully and explicitly contained, nor shall any verdict be given against such magistrate until it be proved on trial that such notice hath been given, and in default of such proof a verdict with costs shall be given for the defendant.

XXVI. AND be it further enacted, that no magistrate shall be liable in any such case to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this Act and service of the process directing his appearance by himself or his attorney.

\* \* \* \* \*

## 22 GEORGE III. A.D. 1781-2.

### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE THIRTY-FIRST DAY OF OCTOBER, A.D. 1780,

IN THE TWENTY-FIRST YEAR OF THE REIGN OF KING GEORGE THE THIRD, AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE TWENTY-SEVENTH DAY OF NOVEMBER, A.D. 1781,

BEING THE SECOND SESSION OF THE FIFTEENTH PARLIAMENT OF GREAT BRITAIN.

### CHAPTER XLV.

AN ACT for restraining any Person concerned in any Contract, Commission or Agreement made for the Publick Service from being elected or sitting and voting as a Member of the House of Commons.

Preamble.

After the end of this session, all persons holding contracts, &c.

FOR further securing the freedom and independence of Parliament, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the end of this present session of Parliament any person who shall directly or indirectly himself or by any person whatsoever in trust for him or for his

use or benefit or on his account undertake, execute, hold or enjoy, in the whole or in part, any contract, agreement or commission made or entered into with, under or from the commissioners of his Majesty's Treasury, or of the Navy or Victualling Office, or with the master general or board of Ordnance, or with any one or more of such commissioners, or with any other person or persons whatsoever, for or on account of the publick service, or shall knowingly and willingly furnish or provide in pursuance of any such agreement, contract or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad or any wares or merchandize to be used or employed in the service of the publick, shall be incapable of being elected or of sitting or voting as a member of the House of Commons during the time that he shall execute, hold or enjoy any such contract, agreement or commission or any part or share thereof, or any benefit or emolument arising from the same.

for the publick service shall be incapable of being elected or sitting in the House of Commons.

II. AND be it further enacted by the authority aforesaid, that if any person, being a member of the House of Commons, shall, directly or indirectly himself or by any other person whatsoever in trust for him or for his use or benefit or on his account enter into, accept of, agree for, undertake or execute, in the whole or in part, any such contract, agreement or commission as aforesaid, or if any person, being a member of the House of Commons, and having already entered into any such contract, agreement or commission, or part or share of any such contract, agreement or commission, by himself or by any other person whatsoever in trust for him or for his use or benefit or upon his account, shall after the commencement of the next session of Parliament continue to hold, execute or enjoy the same or any part thereof, the seat of every such person in the House of Commons shall be and is hereby declared to be void.

If any member accepts or continues to hold any such contract, &c. after the commencement of the next session, his seat shall be void.

III. PROVIDED always, and be it enacted, that nothing herein contained shall extend or be construed to extend to any contract, agreement or commission made, entered into or accepted by any incorporated trading company in its corporate capacity, nor to any company now existing or established and consisting of more than ten persons, where such contract, agreement or commission shall be made, entered into or accepted for the general benefit of such incorporation or company.

Not to extend to incorporated trading companies.

VI. PROVIDED also, and be it enacted, that nothing herein contained shall extend or be construed to extend to any person on whom after the passing of this Act the completion of any contract, agreement or commission shall devolve by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve calendar months after he shall have been in possession of the same.

Not to extend to contracts devolving by descent, &c. until after 12 months possession.

IX. AND be it further enacted by the authority aforesaid, that if any person hereby disabled or declared to be incapable to sit or vote in Parliament shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port or place in Parliament, such election and return are hereby enacted and declared to be void; and if any person disabled and declared incapable by this Act to be elected shall after the end of this present session of Parliament presume to sit or vote as a member

If any person hereby disqualified shall be elected, election shall be void.

Disabled persons who shall sit in the House of Commons

after this session shall forfeit 500*l.* for each day.

of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his Majesty's courts at Westminster, and the money so forfeited shall be recovered by the person or persons so suing with full costs of suit in any of the said courts, by any action of debt, bill, plaint or information, in which no essoin, privilege, protection or wager of law or more than one imparlance shall be allowed; or by summary complaint before the Court of Session in Scotland; and every person against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth incapable of taking or holding any contract, agreement or commission for the publick service, or any share thereof or any benefit or emolument from the same in any manner whatsoever.

A condition to be inserted in all publick contracts that no member of the House of Commons shall have any share thereof.

Penalty on contractors who shall admit any member of the House of Commons to any share of their contracts.

Limitation of actions..

X. AND be it enacted, that in every such contract, agreement or commission to be made, entered into or accepted as aforesaid there shall be inserted an express condition that no member of the House of Commons be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom; and that in case any person or persons who hath or have entered into or accepted or who shall enter into or accept any such contract, agreement or commission shall admit any member or members of the House of Commons to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall for every such offence forfeit and pay the sum of five hundred pounds, to be recovered with full costs of suit in any of his Majesty's courts of record at Westminster by any person or persons who shall sue for the same, by any action of debt, bill, plaint or information, in which no essoin, privilege, protection or wager of law or more than one imparlance shall be allowed; or by summary complaint before the Court of Session in Scotland.

XI. PROVIDED also, and be it enacted, that no person shall be liable to any forfeiture or penalty inflicted by this Act unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

### CHAPTER LXXIII.

AN ACT to explain an Act made in the Twelfth Year of the Reign of King Charles the Second (intituled An Act for prohibiting the planting, setting, or sowing of Tobacco in England or Ireland), and to permit the Use and Removal of Tobacco the Growth of Scotland into England for a limited Time under certain Restrictions.

Preamble.  
Recital of  
Act 12 Car. 2.  
[c. 34.]

WHEREAS by an Act made in the twelfth year of the reign of King Charles the Second, for prohibiting the planting, setting or sowing of tobacco in England, the setting, planting or improving to grow, making or curing tobacco, either in seed, plant or otherwise, within the kingdom of England, dominion of Wales, islands of Guernsey or Jersey, or town of Berwick upon Tweed, is prohibited, and the said Act has by several subsequent Acts been explained and enforced: And whereas doubts have arisen whether the said prohibition is extended to that part of Great Britain called

Scotland by an Act made in the fifth year of the reign of her late Majesty Queen Anne (intituled An Act for an union of the two kingdoms of England and Scotland): Now, for obviating such doubts for the future, may it please your Majesty that it may be enacted, and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Act made in the twelfth year of the reign of King Charles the Second, and all and every other Act or Acts which hath since passed for prohibiting the culture of tobacco in England, shall extend and be construed to extend to that part of Great Britain called Scotland, any thing in any former Act or Acts contained to the contrary thereof in any wise notwithstanding.

The recited  
Act, &c.  
extended to  
Scotland.

\* \* \* \* \*

## CHAPTER LXXV.

AN ACT to prevent the granting in future any Patent Office to be exercised in any Colony or Plantation now or at any time hereafter belonging to the Crown of Great Britain for any longer Term than during such Time as the Grantee thereof, or Person appointed thereto, shall discharge the Duty thereof in person, and behave well therein.

**W**HEREAS the practice of granting offices in 'his Majesty's colonies and plantations in America and the West Indies to persons resident and intending to reside in Great Britain (in consequence whereof such offices are exercised by deputy, and have been frequently farmed out to the best bidder) has been long complained of as a grievance by his Majesty's loyal subjects in those parts, who have been thereby exposed to exactions and oppressions, as well as to inconveniences arising from neglect of duty: May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from henceforth no office to be exercised in any colony or plantation now or at any time hereafter belonging to the crown of Great Britain shall be granted or grantable by patent for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof in person, and behave well therein. [Rep., Stat. Law Rev. Act, 1871.]

Preamble.

Granting patent  
offices to be  
executed in the  
colonies  
restricted.

II. AND be it further enacted by the authority aforesaid, that if any person or persons holding such office shall be wilfully absent from the colony or plantation wherein the same is or ought to be exercised, without a reasonable cause to be allowed by the governor and council for the time being of such colony or plantation, or shall neglect the duty of such office, or otherwise misbehave therein, it shall and may be lawful to and for such governor and council to amove such person or persons from every or any such office; and in case any person or persons so amoved shall think himself aggrieved thereby, it shall and may be lawful to and for the person or persons so aggrieved to appeal therefrom, as in other cases of appeal from such colony or plantation, whereon such amotion shall be finally judged of and determined by his Majesty in council.

Governor and  
council of  
colony may  
amove officers  
for absence or  
neglect of  
duty;

III. PROVIDED always, that it shall be lawful for the governor and council of any colony or plantation to give such leave of absence as they shall see occasion, and in such case, as likewise in the case of vacancy occasioned by

and may grant  
leave of  
absence.

death or amotion, to provide for the due discharge of the duties of such office or offices until the King's pleasure shall be known.

Subsisting  
grants not to  
be prejudiced  
by this Act.

IV. PROVIDED also, that nothing herein contained shall operate to the prejudice of any subsisting grant of such office or offices, or to prevent any office being granted determinable at pleasure.

## CHAPTER LXXXII.

AN ACT for enabling his Majesty to discharge the Debt contracted upon his Civil List Revenues, and for preventing the same from being in arrear for the future, by regulating the mode of Payments out of the said Revenues, and by suppressing or regulating certain Offices therein mentioned, which are now paid out of the Revenues of the Civil List.

Preamble.

From the pass-  
ing of this Act  
certain offices  
herein specified  
shall be sup-  
pressed.

WHEREAS his Majesty, from his paternal regard to the welfare of his faithful people, from his desire to discharge the debt on his civil list without any new burthen to the publick, for preventing the growth of a like debt for the future, as well as for introducing a better order and oeconomy in the civil list establishments, and for the better security of the liberty and independency of Parliament, has been pleased to order that the office commonly called or known by the name of Third Secretary of State, or Secretary of State for the Colonies, the office or establishment commonly known by the name and description of The Board of Trade and Plantations, the offices of lords of police in Scotland, the principal officers of the Board of Works, the principal officers of the great wardrobe, the principal officers of the jewel office, the treasurer of the chamber, the cofferer of the household, the offices of the six clerks of the board of green cloth, the office of paymaster of the pensions, the office of master of the harriers and fox hounds and also the office of master of the stag hounds should be suppressed: Wherefore, for carrying his Majesty's said gracious order into execution, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the office commonly called or known by the name of Third Secretary of State, or Secretary of State for the Colonies, the office or establishment commonly called The Board of Trade and Plantations, the offices of the lords and gentlemen of police in Scotland, the principal officers of the Board of Works, the principal officers of the great wardrobe, the principal officers of the jewel office, the treasurer of the chamber, the cofferer of the household, the offices of the six clerks of the board of green cloth, the office of paymaster of the pensions, the offices of the master of the harriers, the master of the fox hounds and the master of the stag hounds and all and every of the offices aforesaid, together with certain of the offices dependent on or connected with the same, of which a list shall be entered in the Exchequer by certificate from the lords commissioners of the Treasury on or before the tenth day of October one thousand seven hundred and eighty-two (which list the said lords commissioners are hereby directed to cause to be entered as aforesaid), shall be and are hereby utterly suppressed, abolished and taken away. [Rep., Stat. Law Rev. Act, 1871.]

Any similar  
office hereafter  
established  
shall be deemed  
a new office.

II. AND it is hereby further enacted and declared by the authority aforesaid, that if any office of the same name, nature, description or purpose of those hereby abolished shall be established hereafter, the same is and shall be deemed and taken as a new office to all constructions, intents and purposes whatsoever.

\* \* \* \* \*



V. AND be it enacted and declared, that the abolition of the office of the clerks of the green cloth shall not extend or be construed to extend to take away or in any respect to derogate from the jurisdiction which may now be lawfully exercised by the court commonly called The Court of Virge, or The Green Cloth, but that the same may be held and exercised, and it is hereby enacted that the same shall be held and exercised, with all the accustomed lawful jurisdiction, powers and privileges belonging to the same, without any of the clerks of the green cloth whose office is by this Act taken away, any statute, law or usage to the contrary notwithstanding.

The Court of Virge, with all its lawful jurisdiction and powers, preserved.

XIII. AND be it hereby enacted by the authority aforesaid, that the furniture, pictures, plate and all other moveables whatsoever, formerly under the care and management of the office of great wardrobe or other wardrobe or jewel office or any of them, shall be hereafter committed to the care and management of the lord chamberlain.

Furniture, plate, &c. to be under the management of the lord chamberlain.

XV. AND be it enacted by the authority aforesaid, that the duty and business done or which might legally be done by the late commissioners of Trade and Plantations, and all authorities, powers and jurisdictions given to the said commissioners by any Act or Acts of Parliament, may and shall be held and exercised under the former directions and trusts by any committee or committees of his Majesty's Privy Council, which his Majesty shall be pleased to direct and appoint during his royal pleasure, without any salary, fee or pension to the members thereof for holding and exercising the same.

The business heretofore done by the Board of Trade to be executed by a committee of the Privy Council.

XVI. AND be it further enacted by the authority aforesaid, that all sums of publick money that now are in the disposition or under the management of the lords of trade and police in Scotland be, and the same are hereby directed to be, under the management and in the disposal of the convention of royal burghs in Scotland, with the same powers and under the same limitations and trusts by which the same now are or may be disposed and managed.

Publick money under the management of the lords of trade and police in Scotland to be under the management of the convention of royal burghs.

XXI. PROVIDED also, that it shall and may be lawful for the high treasurer or first commissioner of the Treasury for the time being to return into the Exchequer any pension or annuity without the name of the person to whom the same is payable, on taking an oath before the barons of the Exchequer, or one baron of the Exchequer, or before the cursitor baron, in the form following:

High treasurer, &c. may return into the Exchequer any pension without the name of the pensioner, on taking the following oath;

**I** A.B. do swear that, according to the best of my knowledge, belief and information, the pension or pensions, or annuity or annuities, returned without a name by me into the Exchequer, is or are not directly or indirectly for the benefit, use or behoof of any member of the House of Commons, or, so far as I am concerned, applicable directly or indirectly to the purpose of supporting or procuring an interest in any place returning members to Parliament.

So help me GOD.

which pension,  
&c. shall be  
paid to his  
order.

XXII. AND it is hereby enacted, that on taking the said oath the pension or pensions, annuity or annuities aforesaid shall be paid at the Exchequer to the order of the high treasurer or first commissioner of the Treasury for the time being, and his receipt shall be accepted and taken as an acquittance for the same.

\* \* \* \* \*

Payment of  
secret service  
money re-  
stricted.

XXIV. AND for preventing as much as may be all abuses in the disposal of monies issued under the head of secret service money, or money for special service, be it enacted by the authority aforesaid, that it shall not be lawful to issue or imprest from the Exchequer, or order to be paid by a Treasury warrant, or under sign manual or otherwise, to any secretary or secretaries of the Treasury, or to any other person or persons whatsoever, from the civil list revenues, for the purpose of secret service within this kingdom, any sum or sums of money which in the whole shall exceed the sum of ten thousand pounds in any one year.

Clause relative  
to foreign  
secret service  
money.

XXV. AND be it enacted by the authority aforesaid, that when it shall be deemed expedient by the commissioners of his Majesty's Treasury or the high treasurer for the time being to issue or in any manner to direct the payment of any sum or sums of money from the civil list revenues for foreign secret service, the same shall be issued and paid to one of his Majesty's principal secretaries of state or to the first commissioner of the Admiralty; and the said secretary or secretaries of state, or first commissioner of the Admiralty, shall, for his discharge at the Exchequer, within three years from the issuing the said money, produce the receipt of his Majesty's minister, commissioner, or consul in foreign parts, or of any commander in chief or other commander of his Majesty's navy or land forces, to whom the said money shall have been sent or given, that the same hath been received for the purpose for which the same hath been issued, which said receipt shall and is hereby directed to be filed in the Exchequer, in order to charge the said minister, commissioner, consul or commander of his Majesty's land or sea forces with the same, and the said receipt, on proof of the handwriting, shall be sufficient to acquit and discharge the said secretary or secretaries or first commissioner of the Admiralty in their said account at the Exchequer.

Foreign minis-  
ters, &c. to  
account for  
such money  
within a year  
after their  
arrival in  
Great Britain.

XXVI. AND be it enacted, that any foreign minister, consul, or commander of his Majesty's land or sea forces who shall stand charged at the Exchequer for or by reason of any secret service money by him received, shall stand discharged and acquitted thereof if within one year after his arrival in Great Britain he shall either return the said money into the Exchequer or make oath before the barons of the Exchequer, or one of them, in the form following:

**I** A.B. do swear that I have disbursed the money intrusted to me for foreign secret service faithfully, according to the intent and purpose for which it was given, according to my best judgement, for his Majesty's service.

So help me GOD.

Secretaries of  
state, &c.  
making pay-

XXVII. PROVIDED always, that whenever it shall be necessary for the principal secretary or secretaries of state, or first commissioner of the Ad-

miralty to make payment of any money issued for foreign secret service, or for secret service in detecting, preventing or defeating treasonable or other dangerous conspiracies against the state in any place within this kingdom, then it shall be sufficient to acquit and discharge the said secretary or secretaries or first commissioner of the Admiralty, for such secretary or secretaries, or the under secretary of state in the office to which such secret service money hath been paid, or for the first commissioner of the Admiralty or the secretary of the Admiralty, to make oath before the barons of the Exchequer, or one of them, or before the cursitor baron, in the form following :

ment of any secret service money shall be sworn as to the disposal thereof.

**I** A.B. do swear that the money paid to me for foreign secret service, or for secret service in detecting, preventing or defeating treasonable or other dangerous conspiracies against the state [mutatis mutandis, as the case may be], has been bona fide applied to the said purpose or purposes, and to no other, and that it hath not appeared to me convenient to the state that the same should be paid abroad.

The oath.

So help me GOD.

**XXVIII.** AND to avoid all confusion in accounts relative to the said secret service, be it enacted by the authority aforesaid, that the certain stated sums of money now paid to his Majesty's principal secretaries of state under the name of secret service money, but which are commonly reputed and employed as part of the salary of the said office, be no longer entered or paid under that description or for that account ; but the same, for so long as his Majesty shall please to continue the whole or any part thereof, shall be given under the name of salary, fee or allowance, and that hereafter no certain or stated sum be given or allowed for the said secret service out of his Majesty's civil list revenues ; but when any monies for secret service shall be deemed necessary by the commissioners of his Majesty's Treasury the same shall be issued by their direction to the officer or officers aforesaid, as the occasion shall require according as is herein-before directed and provided.

No stated sum to be allowed for secret service money;

but the same to be issued as occasion shall require.

**XXIX.** AND be it enacted, that whenever any sum or sums of money shall be issued for the purpose of any special service, or shall be given without provision of annual or other stated payment, but in a gross sum or sums, as to any secretary or secretaries of the Treasury or others, to be paid over to or for the use of any person or persons for special service, or as of royal bounty, the said sum or sums of money, together with the special service or services, or as royal bounty, to which the same is or are applied, as also the name of the person or persons to whom the said money for service or of bounty as aforesaid is paid, shall be entered in a book to be kept for that purpose in the Treasury, in order to be produced to either House of Parliament if required.

Sums issued for any special service, &c. to be entered in a book.

**XXX.** AND for the better prevention of all practice by which such grants as of bounty may be made a colour under which pensions may be substantially granted, contrary to the true intent and meaning of this Act, it is hereby enacted, that any sum or sums of money so given as of royal bounty to any person more than once in three years, the same is and shall be reputed a pension or pensions to all intents and purposes whatsoever.

Grants of royal bounty, when to be reputed pensions.

**XXXVII.** AND be it further enacted by the authority aforesaid, that what-ever is directed by this Act to be done or transacted by the commissioners of

Powers granted by this Act to the commis-

sioners of the  
Treasury shall  
be vested in the  
high treasurer  
for the time  
being, &c,

his Majesty's Treasury may be and the same is hereby required and directed to be done and transacted by the high treasurer for the time being, or by such commissioners of the Treasury for the time being, or any three or more of them ; and all powers and authorities whatsoever by this Act granted to the commissioners of his Majesty's Treasury are hereby also declared to be vested in the high treasurer for the time being, and in such commissioners of the Treasury for the time being, or any three or more of them.

\* \* \* \* \*

## 23 GEORGE III. A.D. 1782-3.

### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE THIRTY-FIRST DAY OF OCTOBER,  
A.D. 1780,

IN THE TWENTY-FIRST YEAR OF THE REIGN OF KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
FIFTH DAY OF DECEMBER, A.D. 1782,  
BEING THE THIRD SESSION OF THE FIFTEENTH PARLIAMENT OF  
GREAT BRITAIN.

### CHAPTER XV.

AN ACT for rendering more effectual the Provisions contained in an Act of the Thirteenth Year of King George the First for preventing Frauds and Abuses in the Dying Trade.

\* \* \* \* \*

Penalty on  
improperly  
dying woollen  
goods for  
mather blacks,

II. AND be it further enacted, that if any person or persons whomsoever shall after the passing of this Act, within that part of Great Britain called England, Wales and Berwick upon Tweed, dye or cause to be dyed any cloths, bays or other woollen goods of any kind or sort whatsoever, as or for mather blacks, the same not being dyed throughout in the first place with woad and indigo, every such person shall forfeit and pay the respective penalties following ; (that is to say,)

For every piece of long Bocking bays containing seventy yards or upwards, the sum of five pounds :

For every piece of Colchester bays or short bays, containing thirty-five yards or upwards, the sum of fifty shillings :

And for every piece of other woollen goods of any kind or sort whatsoever, the sum of sixpence per yard.

and also for  
woaded blacks.

And if any person or persons whomsoever shall after the passing of this Act, within that part of Great Britain aforesaid, dye or cause to be dyed any woollen cloth as or for woaded black, the same not being woaded throughout, every such person shall for every such offence forfeit and pay for every piece of such cloth the sum of two shillings per yard.

Mather blacks  
and woaded  
blacks to be

III. AND be it further enacted by the authority aforesaid, that all cloths, bays and other woollen goods which shall be truly mathered black according

to the directions of this Act shall be marked with a red rose and a blue rose, and all woollen cloth which shall be truly woaded black throughout according to the directions of this Act shall be marked with a blue rose only ; and if any person or persons whomsoever shall counterfeit or forge or cause to be counterfeited or forged any of the said marks, or shall dye, stain, imprint or affix any such mark to or upon any such woollen cloths falsely and deceitfully dyed as or for mathered or woaded blacks as aforesaid, every person so offending shall for every such offence forfeit and pay the sum of four pounds for every piece of such woollen goods to or upon which such mark shall be so stained, imprinted or affixed as aforesaid.

distinguished  
by peculiar  
marks.  
Penalty on  
counterfeiting  
those marks,  
&c.

IV. AND be it further enacted by the authority aforesaid, that if any person or persons whomsoever shall after the passing of this Act, within that part of Great Britain aforesaid, use or cause to be used any logwood or logwood liquor in dyeing blue any cloths, bays or other woollen goods of any kind or sort whatsoever, every such person shall for every such offence forfeit and pay the sum of twenty pounds for every piece of such cloth, bays or other woollen goods in the dyeing of which any logwood or logwood liquor shall have been made use of as aforesaid.

Penalty on  
using logwood  
or logwood  
liquor in dyeing  
woollen-goods  
blue.

V. AND for the better preventing frauds and abuses in the dyeing of cloths, bays and other woollen goods, be it enacted, that the master, wardens and court of assistants of the Company of Dyers of London, under the common seal of the said company, together with John Barchard, John Cole, Samuel Farmer, Chamberlain Goodwin, Chamberlain Goodwin junior, Jacob Mills, John Platt, Edward Seward, Joseph Seward, Richard Still, Thomas Vincent and Thomas Whitehead, or any three or more of them, shall and are hereby impowered and required to appoint such number of persons as they shall think proper to be searchers of all shops, warehouses, workhouses and tenter-grounds or drying-places of all and every person and persons, companies and corporations, using or exercising the trade, art or mystery of dyeing of cloths, bays or other woollen goods of every kind or sort whatsoever, and also of all and every person and persons concerned in the dyeing, drying or packing of any such cloths, bays or other woollen goods, and also all publick warehouses and other publick places where any cloths, bays or other woollen goods packed up for exportation shall be deposited, situate within the city of London, and within the distance of ten miles of the said city, and from time to time to appoint others in the room of such as shall die, resign or be removed ; and every searcher so to be appointed as aforesaid is hereby authorised and impowered at all seasonable times in the day-time to enter into any such shop, warehouse, workhouse, tenter-ground or drying-place and other places as aforesaid, and to search for and examine all or any cloths, bays and other woollen goods dyed black or blue, whether the same be packed or unpacked, and also to cut and take away a pattern or sample from either end of every piece of such woollen goods as he shall think proper for the purpose of trying and proving the same, such searcher taking to his assistance a constable or other peace officer of the parish or place wherein such shop, warehouse, workhouse, tenter-ground or drying-place or other place as aforesaid shall be situate ; and every such constable or other peace officer is hereby required to be aiding and assisting to such searcher in the execution of this Act, whenever application shall be made to him for that purpose.

Searchers to be  
appointed to  
examine all  
woollen goods  
dyed black or  
blue in  
London and  
within ten  
miles thereof.

On the death of any of the persons by this Act impowered to appoint searchers, others shall be chosen in their room.

VI. AND be it further enacted, that when and as often as any of the persons herein-before named or to be appointed in manner herein-after mentioned to act in the appointment of searchers as aforesaid shall die or refuse to act, the surviving or remaining persons so named or appointed, or any three or more of them, shall and are hereby required by writing under their hands from time to time, as soon as conveniently may be after such death or refusal to act as aforesaid, to appoint another person (using or exercising the trade of a dyer of woollen goods, and residing within the limits aforesaid) in the room of the person dying or refusing to act; and every person so to be appointed shall have the like power and authority to act in the appointment of searchers as aforesaid as the person in whose place he shall succeed was invested with.

First meeting of the persons who are to appoint searchers.

VII. AND be it further enacted, that the said company of dyers and the persons herein-before authorised to act in the appointment of searchers, or any three or more of such persons, shall hold their first meeting for the appointment of searchers as aforesaid at Dyers Hall in the city of London, upon the seventh day next after the passing of this Act, between the hours of eleven and two of the clock, and may then and from time to time afterwards adjourn themselves, and meet at the same or any other place or places within the said city, as often as shall be necessary for the appointment of searchers within the limits aforesaid, according to the directions of this Act; but if at any meeting appointed to be holden as aforesaid it shall happen that a sufficient number of the persons authorised to act in the appointment of searchers as aforesaid shall not attend, or shall omit to adjourn such meeting, then and in every such case any one or more of such persons may adjourn such meeting to such time and place within the said city as he or they shall think proper, and every such adjournment shall be as valid and effectual as if made or done by all the persons aforesaid.

In case the Dyers Company shall not attend at any meeting, the other persons attending may appoint searchers.

VIII. PROVIDED always, and be it further enacted, that in case at any meeting to be holden for the appointment of searchers as aforesaid the said company of dyers shall not attend, it shall be lawful for the persons herein-before named or to be appointed to act in the appointment of searchers as aforesaid, or any three or more of them, and they are hereby authorised and impowered, to appoint such person or persons as they shall think proper to be a searcher or searchers of woollen goods within the limits aforesaid; and every searcher so to be appointed shall have the like power and authority in all respects to act as a searcher in pursuance of this Act as if he had been appointed by the said company of dyers and the persons herein-before named or to be appointed as aforesaid.

If the persons herein-before authorised shall neglect to appoint a proper number of searchers, the quarter sessions may appoint them.

IX. PROVIDED always, and be it further enacted, that if the said company of dyers, and the several persons herein-before authorised to act in the appointment of searchers, or any three or more of such persons, shall refuse or neglect to appoint and continue a proper number of persons to be searchers as aforesaid, any two persons using or exercising the trade of a dyer of woollen goods may apply to the justices at any general quarter sessions of the peace to be holden within the limits aforesaid, and make complaint of such refusal or neglect, and it shall be lawful for the justices at such sessions to make enquiry touching the matter of such complaint; and if it shall appear to them

that a proper number of searchers for the purpose aforesaid shall not be appointed, the said justices shall and are hereby authorised and impowered to appoint such person or persons as they shall judge necessary to be a searcher or searchers of woollen goods within the limits aforesaid; and every searcher so to be appointed shall have the like power and authority in all respects to act as a searcher in pursuance of this Act as if he had been appointed by the said company of dyers and the persons herein-before authorised to act in the appointment of searchers, or by any three or more of such persons, in manner before directed.

X. AND in order to prevent the like frauds and abuses in the dying of woollen goods within such places as are not within the limits aforesaid, be it further enacted, that the justices of the peace, at their respective general or quarter sessions of the peace to be holden for the respective counties, cities, towns and places within that part of Great Britain called England, Wales and Berwick upon Tweed (other than within the limits herein-before mentioned), shall and are hereby required from time to time to appoint such person or persons as they shall respectively think proper to be a searcher or searchers within their respective jurisdictions; and every person so to be appointed shall be and is hereby invested with the like power and authority to act as a searcher in pursuance of this Act, within the limits for which he shall be so appointed, as are herein-before given to any person who shall be appointed a searcher within the city of London, and within the distance of ten miles of the said city.

In all parts of England out of the limits aforesaid the searchers shall be appointed by the justices at their general or quarter sessions.

XI. PROVIDED always, and be it further enacted, that no person shall be capable of acting as a searcher in the execution of this Act until he shall have taken and subscribed an oath to the effect following:

Searchers to be sworn.

I do swear that I will faithfully, impartially and honestly execute and perform the trust reposed in me as a searcher by virtue of an Act of Parliament made in the twenty-third year of the reign of his Majesty King George the Third, "for rendering more effectual the provisions contained in "an Act of the thirteenth year of King George the First for preventing "frauds and abuses in the dying trade."

The oath.

Which oath the persons by whom he shall be appointed, or any one of them, are or is hereby impowered to administer.

XII. AND be it further enacted, that if any person or persons shall in any manner oppose, obstruct, hinder or prevent any searcher so to be appointed as aforesaid in the execution of any of the powers hereby vested in him, every such person shall for every such offence forfeit and pay the sum of ten pounds.

Penalty on obstructing searchers.

XIII. AND be it further enacted by the authority aforesaid, that all penalties and forfeitures for offences against this Act, where the same shall exceed the sum of five pounds, shall or may be recovered in the name of any person who shall inform or sue for the same by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, wherein no essoin, privilege, protection, wager of law nor more than one imparlance shall be granted or allowed; and that all penalties and forfeitures for offences against this Act, where the same shall not exceed the sum of five pounds, shall, upon proof of the offences respectively before any justice of the peace

Penalties and forfeitures how to be recovered and applied.

for the county, city, town or place where the offence shall be committed, either by the confession of the party or by the oath of one or more credible witness or witnesses (which oath such justice is hereby impowered to administer), be levied and recovered by distress and sale of the goods and chattels of the party offending, by warrant under the hand and seal of such justice directed to any constable or other peace officer of any ward, precinct, parish, town or place where the offender shall inhabit or can be found (being within the jurisdiction of such justice), and the overplus, after such penalties and forfeitures and the charges of such distress and sale are deducted, shall be returned upon demand to the owner of such goods and chattels; and in case sufficient distress cannot be found, and such penalties and forfeitures shall not be forthwith paid, such justice shall and is hereby authorised and required to cause the offender or offenders to be committed to the house of correction, there to be kept to hard labour for such time as such justice shall think fit, not exceeding three months; and one moiety of all penalties and forfeitures which shall be recovered by virtue of this Act from any person or persons residing within the city of London or within the distance of ten miles of the said city shall go and be paid to the informer or informers, and the other moiety shall be applied and disposed of in such manner as shall from time to time be directed by the persons attending any meetings to be holden for the appointment of searchers within the city of London and within ten miles of the said city as aforesaid; and the whole of all other penalties and forfeitures which shall be recovered by virtue of this Act shall go and be paid to the informer or informers and prosecutor or prosecutors.

Prosecutions to be commenced within 40 days.

Persons aggrieved by the order of any justice may appeal to the quarter sessions.

XIV. PROVIDED always, that all prosecutions for offences against this Act shall be commenced within forty days next after the offences shall be respectively committed or discovered, and not afterwards, and shall be prosecuted with effect and without delay; and if any person shall think him or herself aggrieved by the judgement or order of any justice of the peace touching the conviction for any offence against this Act, such person may appeal to the justices of the peace at the next general quarter sessions to be holden for the county, city, town or place where the offence shall be committed, he or she first giving reasonable and sufficient notice of such appeal to the prosecutor or prosecutors, and the judgement and determination of the justices at such general quarter sessions shall be final and conclusive upon all parties; and the said justices are hereby impowered upon such appeal to allow such reasonable costs and charges to either party as they shall think just, the same to be levied and paid in such manner as is usual in other cases of appeal from orders of any justices of the peace to the general quarter sessions.

Limitation of actions.

General issue.

XV. AND be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or prosecuted against any person or persons for any matter or thing done in pursuance of this Act, every such action or suit shall be commenced within three calendar months next after the cause of action shall have arisen, and not afterwards, and shall be laid and tried in the county, city or place where the same shall arise, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the matter or thing for which such action or suit shall be commenced was done in pursuance and by the authority of this Act; and if



the same shall appear to have been so done, or if any such action or suit shall be brought or commenced after the time before limited for bringing the same, or shall be laid in any other county or place than as aforesaid, then and in every such case the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or suffer a discontinuance of his, her or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in any other case by law. [Rep., 5 & 6 Vict. c. 97. s. 2.] Treble costs.

XVI. AND be it further enacted, that this Act shall be deemed a publick Publick Act. Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

## CHAPTER XLV.

AN ACT for regulating the Proceedings of the Court of Justiciary and Circuit Courts in Scotland.

**W**HEREAS by an Act of Parliament made in the twentieth year of the Preamble.  
 reign of his Majesty King George the Second (intituled An Act for 20 Geo. 2.  
 taking away and abolishing the heretable jurisdictions in that part of Great [c. 43.] recited.  
 Britain called Scotland, and for making satisfaction to the proprietors thereof, and for restoring such jurisdictions to the Crown, and for making more effectual provision for the administration of justice throughout that part of the United Kingdom by the King's courts and judges there, and for obliging all persons acting as procurators, writers or agents in the law in Scotland to take the oaths, and for rendering the union of the two kingdoms more complete), it is amongst other things enacted, that it shall and may be lawful to and for any party or parties conceiving himself or themselves aggrieved by any interlocutor, decree, sentence or judgement of any of the inferior judges therein mentioned concerning matters criminal, of whatever nature or extent the same may be, except all cases which infer the loss of life or demembration, or in matters civil, where the subject matter of the suit did not exceed in value the sum of twelve pounds sterling, to complain and seek relief against the same by appeal to the next circuit court of the circuit wherein such inferior court shall lie, to be proceeded in before the said circuit court in the way and manner therein directed; and it is thereby enacted, that from and after the twenty-fifth day of March in the year of our Lord one thousand seven hundred and forty-eight, the circuit court shall be regularly held twice in every year within that part of Great Britain called Scotland, and the judges thereof shall continue by the space of six days at the least at each town or place where the circuit courts shall be held for the dispatch of business; And whereas it has been found from experience that few appeals have been taken or brought from the inferior courts to the circuit courts, either in matters criminal or civil, parties conceiving themselves aggrieved by the judgements or decrees of the inferior courts choosing to take their appeals by advocacy or suspension, and to have the same heard and discussed before the courts of Justiciary and Session, in the course

of law as formerly established, rather than by the summary remedy of appeal to the circuit courts, whereby one branch of business in these circuit courts is greatly abridged, and thereby the continuance of the judges at each circuit town for the space of six days is become unnecessary: And whereas the judges continuing at any circuit town for a longer time than may be necessary for dispatching and finishing the business brought before them is attended with many inconveniencies to the publick, and an unnecessary expence to the judges, jury and whole members of court, as well as the sheriffs and inferior magistrates, who by law are obliged to attend the judges while they continue at the circuit towns: For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Court of Justiciary, and the said court is hereby authorised and required, at the time of settling and appointing the spring and autumn circuits, that is to say, between the first and twentieth days of March and first and twentieth days of August in each year, by an act or minute to be recorded in the books of adjournal, to declare and determine how long the judge or judges shall continue and remain in each circuit town or place of the respective districts, at the expiration of which time so to be limited and declared the justice-ayre at such town or place shall be concluded and ended, the jury, sheriffs and other magistrates discharged from their attendance, and the judge or judges not obliged to continue longer in such town or place, any thing in the aforesaid Act to the contrary notwithstanding.

Court of Justiciary to determine how long the judges shall remain in each circuit town.

All trials begun before the limited time is elapsed shall be finished.

Judges, sheriffs, &c. to continue three whole days in each town, but jury to be discharged as soon as practicable.

Recital of 21 Geo. 2. [c. 19. s. 7.] as to evidence in certain criminal causes;

II. PROVIDED always, that if any trial or matter, civil or criminal, shall happen to be begun or entered upon and not concluded and determined before elapsing of the time so to be limited and declared for the judge or judges continuing in each circuit town or place, it shall nevertheless be proceeded in, and the judge or judges and jury shall not be at liberty to depart or leave the said town or place till the same is concluded and determined; and provided also, that the judge or judges of the circuit courts shall continue, and the sheriffs and other officers shall attend them, by the space of three whole days at the least at each town or place where the circuit shall be held, but that the jury shall be discharged from their attendance as soon as the business may admit.

III. AND whereas by an Act made in the twenty-first year of the reign of his said late Majesty King George the Second, intituled "An Act for the more effectual trial and punishment of high treason, and misprision of high treason, in the highlands of Scotland, and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions, and for making some further regulations relating to sheriffs depute and stewarts depute, and their substitutes, and for other purposes therein mentioned," and reciting, that whereas the taking down and reducing into writing the evidence given in criminal causes and prosecutions (not extending to the loss of life or to demembration) before the Court of Justiciary and the circuit courts, in that part of Great Britain called Scotland, had by experience been found very inconvenient and to occasion great delay as well as expence, it is thereby enacted, that from and after the first day of July in the year of our

Lord one thousand seven hundred and forty-eight it shall and may be lawful for the said Court of Justiciary and the said respective circuit courts to proceed in, try and determine all causes and prosecutions before them for any crime or crimes not inferring the punishment of death or demembration; whereupon the verdict of an assize or jury is to pass, upon examining and hearing the evidence of the witness or witnesses adduced or examined in any such cause or prosecution viva voce, without reducing into writing the testimony of any such witness or witnesses, and that the practice of taking down and reducing into writing the testimony of witnesses in such cases be and the same is thereby abrogated and abolished: And whereas the alteration introduced in the trial of the lesser crimes by the above Act has been found by experience to be attended with important and salutary consequences: And whereas the taking down and reducing into writing the evidence given in the trial of crimes which may infer the punishment of death or demembration, as now practised in the Court of Justiciary and circuit courts, has been found by long experience to be attended with great inconveniencies, by prolonging trials to such a length as has been found dangerous to the health of the judges, council and jury, whereby the best jurymen are often deterred from attending such service, and those who do attend, after being exhausted with the fatigue of such long trials, are little able to discharge their duty in reconsidering the whole evidence as taken down at such length in writing in order to form their verdict: For remedy whereof, be it enacted by the authority aforesaid, that it shall and may be lawful for the said Court of Justiciary and the said respective circuit courts to proceed in, try and determine all causes and prosecutions before them for any crime or crimes inferring the punishment of death or of demembration, in the same manner as is now practised in prosecutions for lesser crimes, by the verdict of an assize or jury, upon examining and hearing the evidence of the witness or witnesses adduced or examined in any such cause or prosecution viva voce, without reducing into writing the testimony of any such witness or witnesses.

and that the alteration thereby introduced has been found to be beneficial.

Court of Justiciary and circuit courts may try causes for capital offences in the same manner as those for less crimes, hearing evidence viva voce, &c.

Discretionary power given to the judges.

IV. PROVIDED always, that if in the trial of any of the crimes which may infer the punishment of death or demembration it shall appear to the judges more expedient to take down and reduce into writing the testimony of all or any number of the witnesses according to the present practice, it shall be lawful for them to proceed in that manner, any thing in this present Act to the contrary notwithstanding.

V. PROVIDED also, that in all such trials and prosecutions, whether the evidence be reduced into writing or be taken from the witnesses viva voce without reducing the same into writing, the council on both sides and the pannel or prisoner may interrogate the witnesses upon all pertinent and legal questions, and immediately before the assize or jury shall be inclosed the evidence shall be summed up by the judge or one of the judges before whom such trial shall be had.

Counsel or prisoner may interrogate witnesses.

VI. PROVIDED likewise, that nothing herein contained shall alter or be understood to alter in any respect the form or mode of trials before the said courts for the crimes of high treason or of misprision of treason.

Not to alter form of trials for high treason, &c.

\* \* \* \* \*

## 24 GEORGE III. A.D. 1784.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
 A.D. 1784,  
 IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 BEING THE FIRST SESSION OF THE SIXTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER III.

AN ACT for more effectually preventing Frauds and Abuses committed by  
 Persons employed in the Manufactures of combing Wool, Worsted Yarn  
 and Goods made from Worsted in the County of Suffolk.

Preamble.  
 Recital of Acts  
 22 Geo. 2.  
 [c. 27.];

14 Geo. 3.  
 c. 44.;

and 15 Geo. 3.  
 c. 14.

WHEREAS by an Act made in the twenty-second year of the reign of  
 his late Majesty King George the Second, intituled "An Act for the  
 " more effectual preventing of frauds and abuses committed by persons  
 " employed in the manufacture of hats, and in the woollen, linen, fustian,  
 " cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and  
 " for preventing unlawful combinations of journeymen dyers and journeymen  
 " hot-pressers, and of all persons employed in the said several manufactures,  
 " and for the better payment of their wages," and by another Act made in  
 the fourteenth year of the reign of his present Majesty King George the Third,  
 intituled "An Act to amend an Act made in the twenty-second year of the  
 " reign of his late Majesty King George the Second, intituled 'An Act for  
 " ' the more effectual preventing of frauds and abuses committed by persons  
 " ' employed in the manufacture of hats, and in the woollen, linen, fustian,  
 " ' cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and  
 " ' for preventing unlawful combinations of journeymen dyers and journeymen  
 " ' hot-pressers, and of all persons employed in the said several manufactures,  
 " ' and for the better payment of their wages,'" and by another Act made  
 in the fifteenth year of the reign of his said present Majesty, intituled "An  
 " Act to explain and amend an Act made in the fourteenth year of his present  
 " Majesty, intituled "An Act to amend an Act made in the twenty-second  
 " year of the reign of his late Majesty King George the Second, intituled  
 " " 'An Act for the more effectual preventing of frauds and abuses committed  
 " " ' by persons employed in the manufacture of hats, and in the woollen,  
 " " ' linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk  
 " " ' manufactures, and for preventing unlawful combinations of journeymen  
 " " ' dyers and journeymen hot-pressers, and of all persons employed in the  
 " " ' said several manufactures, and for the better payment of their wages,' " "  
 certain penalties and punishments in the said Acts respectively mentioned  
 are inflicted upon all persons who shall reel false or short yarn, and on persons  
 embezzling the materials used in the said manufactures: And whereas the  
 good purposes of the said laws have been greatly frustrated from the manu-  
 facturers of combing wool, worsted yarn and goods made from worsted being  
 unwilling to expose themselves singly to the loss attending the resentment

of the spinners and workpeople by prosecuting them for offences against the said Acts: And whereas this important branch of the woollen manufacture will be greatly prejudiced thereby, unless the manufacturers are enabled jointly to carry these laws into effectual execution, which cannot be done without the aid of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that a general meeting of the manufacturers of combing wool, worsted yarn and goods made from worsted in the county of Suffolk shall be held at Stow Market in the said county on the second Tuesday in the month of August next ensuing after the passing of this Act, at the hour of eleven of the clock in the forenoon of the same day, notice of which shall be given in the Ipswich and Bury newspapers at least twenty-one days before the said meeting, by the clerk of the peace of the county of Suffolk, at which said general meeting the said manufacturers present by themselves, or proxies appointed by writing under the hand of any of such manufacturers, shall have votes; and, having first chosen a chairman, the said manufacturers shall elect, nominate and appoint fifteen persons from amongst themselves, which said fifteen persons so to be elected shall be a committee of the said manufacturers for the time being, and until another committee shall be chosen and appointed in the manner herein-after provided and so as often as there shall be occasion; which committee are hereby authorised and empowered to nominate and recommend two or more proper persons to be licensed by the justices of the peace of the county of Suffolk at any of their quarter sessions for the said county or any adjournment thereof to be inspectors for the purposes herein-after mentioned, and also to have the direction of all prosecutions of offenders against this and the said before mentioned Acts, and the management of the fund herein-after to be created, and to do all other matters and things which may be deemed necessary and proper for the carrying this Act into execution, in such manner as the said committee of the manufacturers for the time being, or any five or more of them, at a publick meeting to be assembled, shall judge and think best for the interest and advantage of all the said manufacturers.

General meet-  
ing of woollen  
manufacturers  
in Suffolk;

who shall elect  
15 persons to  
be a com-  
mittee.

Committee to  
nominate  
inspectors.

II. AND be it further enacted, that it shall and may be lawful to and for the said committee, or the greater part of them, at any general meeting assembled (and they are hereby authorised and required) from time to time to nominate and appoint, by writing under their hands, a proper person to be their clerk, which said clerk shall attend the meetings of the said committee, and shall, in proper books to be provided for that purpose, enter and keep true and perfect accounts of all the acts, proceedings and transactions of the said committee; and that each and every of the said manufacturers shall and may at all convenient times have recourse to and peruse and inspect all such books gratis, and may demand and have copies thereof or of any part thereof, paying two-pence for every one hundred words so to be copied; and if the clerk shall refuse to permit any such manufacturer to inspect such books, or refuse to make copies or extracts thereof at the rate or times aforesaid, he shall for every such offence forfeit the sum of five

Committee to  
appoint a  
clerk, to keep  
records of their  
transactions;

which may be  
inspected by  
manufacturers.

pounds, to be recovered in such manner as any other penalty inflicted by this Act is directed to be recovered.

Committee to hold quarterly meetings.

III. AND be it further enacted, that for the purposes aforesaid a meeting of the said committee for the time being shall be held four times in every year; (that is to say,) on the Thursday before Midsummer-day, on the Thursday before Michaelmas-day, on the Thursday before the Epiphany, and on the Thursday before Easter-day, at eleven of the clock in the forenoon of each and every of the said days, who shall have power to adjourn themselves from time to time as occasion may require; all which said quarterly meetings of such committee shall be held at Bury Saint Edmunds, the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are herein-before appointed to be held which shall first happen after the election of such committee as aforesaid; and at such first quarterly meeting, and every subsequent quarterly meeting of such committee for the time being, a chairman for each of such said quarterly meetings shall be chosen, and all matters or things which shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee then present; and if there shall be an equality of votes upon any question which shall come before the said committee, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Chairman to be chosen, &c.

Questions to be determined by a majority; and chairman to have casting vote.

No business to be done at quarterly meetings unless five members are present.

IV. PROVIDED nevertheless, that in case there shall not at any of such quarterly meetings be there present and assembled five of the persons constituting such committee, then and in such case it is hereby declared that no business whatsoever shall be done at such meeting, and the majority of the persons then present shall cause fourteen days notice to be given in the Ipswich and Bury weekly newspapers of such next quarterly meeting.

Three committee-men may call a special meeting.

V. AND be it further enacted, that if at any time it shall appear to any three or more of such committee for the time being that for the more effectual putting any of the powers granted by this Act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall and may be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where and the time when such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting five of the said committee, it shall and may be lawful to and for the said committee so present to proceed in the execution of the powers given by this Act to such committee.

New committee-men to be chosen in case of death, &c.

VI. AND be it further enacted, that in case any one or more of the said committee for the time being shall die, or shall decline business as a manufacturer, or shall go to reside in any distant part of the kingdom, or shall wilfully absent himself or themselves from the said quarterly meetings for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being, at any of their said quarterly meetings, there being five of such committee then present, to chuse another or other proper person or persons, being manufacturers of combing wool, worsted

yarn or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

VII. AND be it enacted by the authority aforesaid, that if at any time hereafter it shall appear to any fifteen or more of the said manufacturers of combing wool, worsted yarn or goods made from worsted, within the said county of Suffolk, that the said committee for the time being neglect to discharge their duty to the ends, intents and purposes for which such committee was appointed, and in case such fifteen or more of such manufacturers so dissatisfied shall in writing under their hands make complaint thereof to the justices of the peace for the said county of Suffolk in any of the general or quarter sessions of the peace, or in any adjournment thereof, for the said county of Suffolk to be held and assembled, then and in such case it shall and may be lawful to and for such justices in such sessions assembled, and they are hereby required (if they shall think proper after hearing the nature of such complaint), to call and appoint a general meeting of the manufacturers of combing wool, worsted yarn and goods made from worsted, within the said county of Suffolk, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting of such manufacturers as aforesaid in the Ipswich and Bury weekly newspapers, setting forth the place where and the time when such general meeting shall be held, the same not being less than twenty-one days after such notice given in the said papers, and which notice shall be continued in the said papers until such meeting shall be held; and it shall and may be lawful to and for such manufacturers then present at such general meeting called and held in manner as aforesaid to elect, nominate and appoint a committee consisting of the same number of persons, and in the like manner and under and subject to the like orders, regulations and directions herein-before laid down and ordered for the election of the first committee, and the persons so elected, nominated and appointed to be a new committee in manner aforesaid shall thereupon be invested with the same powers and authorities as the former committee were invested with.

If committee neglect their duty,

justices may on complaint thereof call a general meeting of manufacturers;

and a new committee may be elected.

VIII. AND for preventing frauds and abuses for the future by persons employed in the said manufactures of combing wool, worsted yarn and goods made from worsted, and for the more effectual carrying this Act into execution, be it further enacted, that the justices of the peace for the said county of Suffolk, at their next quarter sessions of the peace to be holden for the said county, or any adjournment thereof, after Michaelmas next after the passing of this Act, shall and may and they are hereby authorized and required to license and appoint such persons of good character and repute within the said county of Suffolk as shall be recommended to the said justices by the said committee of manufacturers or any five of such committee, in writing under their hands, to be inspectors of worsted yarn within the said county of Suffolk.

Justices to appoint inspectors of yarn, &c.

IX. AND be it further enacted, that the said committee of manufacturers for the time being or any five of them shall and may and they are hereby authorized to station such inspectors for such districts in the said county of Suffolk as the said committee or any five of them shall think proper, and shall and may assign, allow and pay to the said inspectors so appointed such yearly salaries as the said committee or any five of them shall think proper,

Committee to station inspectors, and allow them salaries.

to be paid out of the fund herein-after mentioned to be raised for that and the other purposes of this Act, and also shall and may remove, dismiss and displace any of such inspectors who by sickness or any other accident shall be rendered incapable of serving the said office, or shall misbehave or not conduct himself or themselves to the satisfaction of such committee.

Inspectors to use diligence in convicting and bringing offenders to justice, &c.

X. AND be it further enacted, that the said inspectors for the time being so appointed shall severally and respectively, in the several districts allotted to them by the said committee, use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former Acts, and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said county of Suffolk, and also the hanks of worsted yarn, in order to see that the directions herein-after laid down for reeling such yarn be complied with, and also shall and do from time to time, when and as they or any of them shall detect any person or persons offending against this or the said former Acts, lodge informations against such offender or offenders before the proper justice or justices of the peace, and prosecute such offender or offenders to conviction: And for the easier detection of all offenders against this and the said former Acts it shall and may be lawful to and for every such inspector or inspectors from time to time, as occasion shall require, to demand entrance at all seasonable hours into the dwelling-house or dwelling-houses, shop or shops, outhouse or outhouses of any agents or persons hired or employed to put out wool to be spun within the said county of Suffolk, to inspect the yarn in the custody of any such agent or person hired or employed as aforesaid within the said county where he has any information of or suspects any false or short reeled yarn; and in case of refusal by any such agent or person hired or employed to put out wool to be spun into worsted yarn to permit and suffer such inspection, he, she or they so refusing shall forfeit and pay such sum of money, not exceeding ten pounds nor less than five pounds, as such justice or justices before whom he, she or they shall be convicted shall think proper, to be recovered and applied as hereafter mentioned.

Power to enter houses, &c. and inspect yarn.

Directions how worsted yarn shall be reeled.

XI. AND be it further enacted, that every person or persons employed or undertaking to spin or reel worsted yarn for hire in the said county of Suffolk shall reel or cause or procure the same to be reeled either upon a yard reel of thirty-six inches, or a seven quarter reel of sixty-three inches, or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, that each and every several hank or skain of such worsted yarn which shall be reeled on a yard reel shall consist of or contain seven raps or leas, that each and every such rap or lea shall consist of or contain eighty threads of such worsted yarn, and that each and every several hank or skain of such worsted yarn as shall be reeled on a seven quarter or a two yard reel shall consist of or contain six raps or leas, and that each and every such rap or lea shall consist of or contain eighty threads of such worsted yarn.

Penalties on false reeling of worsted yarn, &c.

XII. AND be it further enacted by the authority aforesaid, that if any person or persons hired or employed in the combing of wool or in the spinning, reeling, winding or weaving of worsted yarn, or in the preparing or working up any of the materials used in the said manufactures in the said



county of Suffolk, shall reel or cause to be reeled any worsted yarn contrary to the directions herein-before specified and laid down for the reeling such yarn, or shall conceal, keep back, embezzle, sell or otherwise dispose of any wool or other materials entrusted with him, her or them to spin, or other purposes, and shall of all or any of such several offences be lawfully convicted before any one or more justice or justices of the peace of the said county upon the oath (or, if the owner thereof be of the people called Quakers, solemn affirmation) of the owner of such yarn or wool, or upon the oath or affirmation of the inspector or inspectors appointed as aforesaid, or of any one or more credible witness or witnesses (which oath or affirmation such justice or justices is and are hereby empowered and required to administer), or by the confession of the person or persons charged with all or any of such offences, such person or persons shall for each and every such offence be subject and liable to the same penalties and punishments as are severally inflicted by the said former Acts, so far as the said former Acts or any of them are unrepealed, all which penalties shall be recovered and punishments inflicted in the manner directed by the said Acts or any of them, and which said penalties shall be publicly distributed by the constable of such township, parish or place where such offence or offences shall be committed, in the presence and under the direction of the said inspector or inspectors, amongst the poor of such township, parish or place last above mentioned.

XIII. PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to the subjecting any prosecutor or prosecutors of any offender or offenders against this and the said former Acts to any charges or expences of conveying such offender or offenders to prison, but such charges and expences shall be paid and borne by the constable or other officer conveying such offender or offenders to prison, and such constable or other officer shall be reimbursed and repaid such charges and expences in like manner as he is reimbursed and repaid any other charges or expences of his said office.

Prosecutors  
not liable to  
charges of  
conveying  
offenders to  
prison.

XIV. PROVIDED nevertheless, that no part or share of such penalties or forfeitures be given to such offender or offenders, his, her or their family or families.

Proviso.

XV. AND be it further enacted by the authority aforesaid, that if any agents or persons hired or employed to put out wool to be spun into worsted yarn shall have in his, her or their custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse or not set forth and give in evidence before any of his Majesty's justices of the peace for the said county of Suffolk, being thereto required, what person or persons was or were the reeler or reelers of such false or short reeled yarn, or who was or were hired or employed to reel the same, so that the person or persons who reeled or caused to be reeled such false or short yarn may be lawfully convicted thereof in manner aforesaid, he, she or they so refusing, and being thereof lawfully convicted upon the oath (or, if of the people called Quakers, solemn affirmation) of any person or persons before such justice or justices of the peace as are herein-before mentioned, shall forfeit and pay the sum of five shillings for every parcel of yarn made up as and for a pound so false or

Penalty on  
agents refusing  
to discover  
persons guilty  
of reeling false  
yarn.



specifying that it was the first, second or third offence against this Act, as the case shall be].

Given under my hand and seal [or our hands and seals], the day and year aforesaid.

Which conviction the said justice or justices shall cause to be fairly wrote on parchment and returned to the next general quarter sessions of the peace for the said county of Suffolk, to be filed by the clerk of the peace and remain and be kept among the records of such county.

XXIII. AND it is hereby further enacted by the authority aforesaid, that if any person or persons shall find him, her or themselves aggrieved by any order or warrant made by any justice or justices or upon any conviction before him or them in pursuance of this Act, such person or persons may appeal to the next general quarter sessions to be held for the division of the said county where the offence shall be committed, which shall not be held within fourteen days next after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order therein shall be final.

Persons aggrieved may appeal to the quarter sessions.

Costs of appeal.

XXIV. PROVIDED nevertheless, that the person or persons appealing to such quarter sessions of the peace as aforesaid shall give security to the satisfaction of the said justice or justices to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said quarter sessions, in case such order or judgement be affirmed; and the justices in the said quarter sessions are hereby authorised to hear and determine such appeal, and to make such order therein and to award such costs as to them shall appear just, which order shall be final and conclusive to all parties, and shall not be removed or removeable by any writ of certiorari or otherwise into any of his Majesty's courts of record at Westminster or elsewhere.

Persons appealing to give security to prosecute, &c.

Order of justices to be final.

XXV. PROVIDED nevertheless, and be it further enacted, that no order or other proceedings so made or had by or before any justice of the peace in relation to the premises shall be quashed or vacated for want of form only.

Proceedings not to be quashed for want of form.

XXVI. [A] AND be it further enacted by the authority aforesaid, that if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this Act, every such suit or action shall be commenced within six calendar months next after the fact committed and not afterwards, and shall be severally laid, brought and tried in the said county of Suffolk, as the case shall happen, and not elsewhere; and the defendant or defendants in such actions or suits shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this Act; and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing

Limitation of actions.

General issue.

[\* So much as relates to limitation of actions, pleading of general issue and treble costs, rep., Stat. Law Rev. Act, 1861.]

the same, or shall be brought in any other county or place, that then the jury shall find for the defendant or defendants ; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law.

Treble costs.

Publick Act.

XXVII. AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

## CHAPTER XX.

AN ACT for altering and amending an Act of the Thirteenth Year of the Reign of his present Majesty, intituled "An Act for appointing Wardens and "Assay Masters for assaying wrought Plate in the Towns of Sheffield "and Birmingham," so far as relates to the said Town of Sheffield.

Preamble.  
Recital of  
13 Geo. 3.  
c. 52.

WHEREAS an Act of Parliament was made in the thirteenth year of the reign of his present Majesty, intituled "An Act for appointing wardens "and assay masters for assaying wrought plate in the towns of Sheffield and "Birmingham," whereby the assayer of wrought plate appointed or to be appointed in pursuance thereof within the said town of Sheffield is authorised and empowered to demand and take of and from every person who should bring to the assay office belonging to the company of guardians incorporated by the said Act for the said town of Sheffield any piece or parcel of wrought plate to be assayed, tried and marked, such prices, sums of money or rewards as the assayer shall think fit, not exceeding the sum of one shilling for every pound troy, and so proportionably for every greater or less quantity of plate assayed and marked : And whereas the said prices, sums of money or rewards allowed to be taken as aforesaid are inadequate to the trouble attending the assaying and marking of small pieces of plate, and insufficient to defray the necessary expences of the assay office established in the said town of Sheffield, and it is necessary that greater prices, sums of money or rewards should be allowed to be taken for assaying and marking small pieces of plate : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the assayer of wrought plate appointed or to be appointed by virtue of the said Act within the said town of Sheffield to ask, demand, take and receive of and from all and every person and persons who shall from time to time bring to the assay office within the said town of Sheffield any small pieces of wrought plate to be assayed, tried and marked according to the directions of the said recited Act, such prices, sums of money or rewards as the company of guardians of the said assay office shall think fit, and shall from time to time at any of their meetings ascertain and order to be taken and received,

Prices allowed  
to be taken at  
Sheffield for  
assaying and  
marking  
small pieces of  
wrought plate.

so as such prices, sums of money or rewards do not exceed the rate of sixpence for the assaying, trying and marking any one dozen of such small pieces of wrought plate, such dozen not exceeding in weight six ounces troy, and that the prices, sums of money or rewards allowed to be taken by the said recited or this present Act shall be paid and applied in and towards the support of the said assay office and towards payment of any debt or debts already or hereafter to be incurred on account thereof, and of the expences of obtaining and passing this present Act, in such manner as the said company of guardians shall order and direct, any thing in the said recited Act to the contrary hereof notwithstanding.

II. AND whereas it is by the said recited Act enacted, that if any working silversmith or dealer in wrought plate or any worker or dealer in any other metal plated or covered with silver shall strike or cause to be struck any letter or letters upon any vessel or other thing made of metal plated or covered with silver or upon any metal vessel or other thing made to look like silver, such person or persons so offending shall be subject to the penalty therein mentioned, and doubts have arisen, whether a manufacturer of goods plated with silver can or may strike his name upon such goods without incurring the said penalty, and by reason of such doubts the manufacturers of goods plated with silver have been deterred from striking their names upon plated goods, whereby a proper distinction betwixt plated goods of the different manufacturers is prevented, and all emulation in that branch of business is destroyed, to the certain and manifest prejudice of the said manufactory: For obviating such doubts, be it further enacted by the authority aforesaid, that it shall be lawful for any manufacturer of goods plated with silver within the said town of Sheffield, or within one hundred miles thereof, to strike or cause to be struck upon any metal vessel or thing plated or covered with silver his or her surname, or in case of any partnership the name or firm of such partnership, and also some mark, figure or device to be struck at the end of such surname or other name or firm, such mark, figure or device not being the same or in imitation of any mark made use of by any assay office established by law for assaying of wrought plate, without being subject to any penalty or forfeiture for so doing, any thing in the said Act to the contrary hereof notwithstanding.

Manufacturers of plated goods may strike their names, together with a mark, on the goods, without incurring the penalty in the Act  
13 Geo. 3. c. 52.

III. PROVIDED nevertheless, that every such surname or name or firm as aforesaid shall be in plain and legible characters, and struck with one punch only, and every such mark, figure or device shall, before the same is made use of, be submitted to the examination of the said company of guardians of the said Sheffield assay office, and be approved of by them at some of their publick meetings, and registered in a book to be kept for that purpose, for which registry there shall be lawfully demanded and taken from any manufacturer of plated goods on whose account such registry shall be made the sum of two shillings and sixpence, and no more.

Names to be in legible characters, and marks to be approved of by the guardians, and registered at the office.

IV. AND be it further enacted and declared, that in case any manufacturer or manufacturers of plated goods within the said town of Sheffield, or within one hundred miles thereof, shall at any time hereafter strike any name, mark, figure or device upon his plated goods which shall not have been previously registered at the said assay office for the said town of Sheffield, or which shall have been previously registered at the said office by any other manufacturer

Manufacturers using a name or mark not registered or belonging to others to be subject to a penalty.

of plated goods, every person so offending shall for every such offence forfeit and pay to the said wardens the sum of one hundred pounds, to be recovered in like manner as any penalty or forfeiture is by the said recited Act authorised or directed to be recovered, and to be applied as any other money is herein-before directed to be applied.

Publick Act.

V. AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

## CHAPTER XXV.

AN ACT for the better Regulation and Management of the Affairs of the East India Company and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies.

Method of  
procedure  
against British  
subjects who  
shall be guilty  
of extortion or  
other misde-  
meanors in the  
East Indies.

\* \* \* \* \*  
 LXIV. AND whereas it would conduce to the better government, management and ordering of the territories, possessions, revenues and commerce of the said united company [\*] if some more effectual course than the common law hath provided were devised for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors committed in the East Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said united company: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the coroner and attorney of our lord the King in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose at the instance of any person or persons (and which rule the said court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said court to render it proper), or for his Majesty's attorney general, or for the court of directors or court of proprietors of the said united company, in the name of the said united company, to exhibit in the said Court of King's Bench an information against any such person for any such offence as aforesaid committed after the first day of March one thousand seven hundred and eighty-five, whereupon the said court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance and for satisfying the judgement to be pronounced in and upon such information, as to the said court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the chief justice or some of the justices of the said Court of King's Bench shall within ten days (unless any mandamus shall be granted for the

[\* i.e. the United Company of Merchants trading to the East Indies.]

examination of witnesses as herein-after provided, upon a motion to be made within a time to be limited by the said Court of King's Bench for that purpose) deliver the record of the said information and plea to the lord high chancellor of Great Britain, or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall thereupon issue a commission under the said great seal in manner herein-after provided.

LXV. AND be it further enacted, that if any person or persons against whom any information shall be exhibited under the authority of this Act shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes by the rules or according to the discretion of the said court, to appear and plead, not guilty to such information, it shall and may be lawful for his Majesty's attorney general or other prosecutor to cause an appearance and the plea of not guilty to be entered for such person or persons, and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

LXVI. AND be it further enacted, that within thirty days from the commencement of the next and every future session of Parliament, the lords spiritual and temporal shall proceed to chuse, nominate and appoint twenty-six or more members of their house, and the commons of Great Britain, in Parliament assembled, forty or more members of the said House of Commons, to be chosen by ballot; and the speaker of each house respectively shall cause the list of the said names so chosen to be transmitted under their respective hands and seals to the clerk of the Crown in Chancery or his deputy; and that whenever a commission is to be issued under the great seal of Great Britain by virtue of this Act the lists so returned shall be delivered over to such three judges of the courts of King's Bench, Common Pleas or Exchequer, as the said courts shall for that purpose respectively appoint, one judge being nominated from each of the said courts respectively; and if the said lists shall contain more than twenty-six members of the House of Lords or forty of the House of Commons respectively, the said judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said peers and forty names of the said commons to be publickly drawn by lot in the presence of the said judges, and that the said three judges shall have power and authority, and they are hereby required to give notice to all such members of the two houses of Parliament, whose names shall have been so returned or drawn by lot as aforesaid, and also to his Majesty's attorney general or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this Act, and the names of all such members of either House of Parliament as shall not attend in consequence of such notice shall be transmitted to the speaker of each house respectively within three days if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid shall forfeit to his Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient; and if any member of either House of Parliament whose name

If any person accused shall neglect to appear, &c. the information shall proceed notwithstanding.

Within 30 days from the commencement of every session, the House of Lords shall chuse by ballot 26 members of their house, and the House of Commons 40 of theirs.

The lists to be delivered to three judges appointed by the different courts.

Names of the members of either house returned, &c. who shall not attend on receiving proper notice to be transmitted to the speaker. Defaulters to forfeit 500*l*. each.

shall have been drawn by lot in the presence of the said judges as aforesaid shall have departed this life, or shall hold any civil office of profit under the crown during his Majesty's pleasure, or shall be or shall have been a member of the said board for the affairs of India [a], or shall be or shall have been a director of the said company, or shall hold or shall have held any office or employment in the service of the said company in India, then in each and every such case another name shall be drawn out of the same box (if any such name there be) instead of the name of such person.

The senior  
judge present  
to be president  
of the meeting.

LXVII. AND be it further enacted, that the senior of the said three judges present at the respective meetings of the said special commissioners shall be the president of such meeting or meetings, and that all questions, resolutions and determinations before the said special commissioners shall be by a majority of voices of the special commissioners then and there present; and if the voices shall be equal the then president shall have a second or casting voice.

Manner of  
choosing the 26  
members of the  
House of Peers.

LXVIII. AND be it further enacted, that the members of the House of Peers hereby directed to be named by the said house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following; (that is to say,) that at any time within thirty days from the commencement of the next and every future session of Parliament, when it shall appear that there are fifty lords spiritual and temporal at the least then present, the lords shall be called, and if there are fifty present the lords shall thereupon proceed to deliver in at the table lists, each of which lists shall contain the names of twenty-six lords, and shall be signed by the lord who delivers such list, which list being delivered in shall be referred to a committee of lords to be then appointed, who shall examine the said lists, and forthwith report to the house the name of every such lord whose name shall appear on ten such lists; and if the names so returned shall not amount to twenty-six at the least the lords present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of twenty-six, and so as often as the case shall happen; and no lord present when the house shall be called over shall depart until the said lists of twenty-six peers shall be made as aforesaid.

Manner of  
choosing the 40  
members of  
the House of  
Commons.

LXIX. AND be it further enacted, that the members of the House of Commons hereby directed to be named by that house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following; (that is to say,) that at any time within thirty days from the commencement of the next and every future session of Parliament (and after the speaker of the said house shall have taken the chair), it shall and may be lawful for any member after four of the clock in the afternoon to require that the doors of the house shall be locked, and that the house shall be told by the speaker; and if it shall appear that there are two hundred members or more then present the members of the house shall thereupon proceed to deliver in at the table lists, each of which lists shall contain the names of forty members, which lists being delivered in shall be referred to a committee of five members to be then appointed, who shall examine the said lists, and shall forthwith report to the house the name of every such member whose name shall appear on twenty of the said lists; and if the names so returned shall not amount to forty at the least the members present shall be required to deliver in fresh

[a] i.e. the board of commissioners for the affairs of India.]



lists, each list containing a number of names equal to that number by which the list returned shall fall short of forty, and so as often as the case shall happen; and the doors of the house shall not be opened until the said list of forty members or more shall be fully completed in manner aforesaid:

LXX. PROVIDED always, and be it enacted, that if any of the persons named in such lists shall appear to hold any civil office of profit under the crown during his Majesty's pleasure, or to be or to have been a member of the said board for the affairs of India, or to be or to have been a director of the said company, or to hold or to have held any office or employment in the service of the said company in India, the names of all and every such persons shall be struck out of the said list returned to the house by the said committee upon such list being read over at the table.

Names of persons holding offices under the crown during pleasure, &c. to be struck out of the list.

LXXI. AND be it further enacted, that the names of all such members of either House of Parliament contained in the said lists of twenty-six peers and of forty commoners, which shall have been drawn by lot in presence of the three judges as aforesaid, as shall personally appear at the time and place appointed as aforesaid, shall be put into a box, to be drawn out by lot in presence of the said judges and of the parties or their counsel or agents; and the person against whom such information shall have been exhibited as aforesaid shall have the liberty, as the said names are drawn out, to make peremptory challenges to the number of thirteen of the peers and twenty of the members of the House of Commons whose names shall have been put into the said box; and his Majesty's attorney general or other prosecutor, as the case may happen, shall have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as in the opinion of the three judges or the majority of them shall appear in their discretion sufficient to set them aside for the purpose of obtaining them equal justice; and the first four names of the said peers, and likewise the first six names of the said commoners, which shall be drawn out after the said number of challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said judges to the lord high chancellor, who shall cause the names of the said peers and members of the House of Commons, together with those of the said three judges appointed as aforesaid, to be inserted in the special commission to be issued by virtue of this Act; and the persons whose names are so inserted in the commission shall appear within ten days at the time and place to be appointed by the said three judges, and take the following oath before the lord high chancellor or lord keeper or lords commissioners of the great seal for the time being, or any one of them:

The party to be tried shall have liberty to challenge 13 peers and 20 commoners.

Prosecutor may also make challenges.

The first four names of the peers, and the first six of the commoners, drawn out after the challenges, &c. shall be returned by the 3 judges to the lord chancellor, to be inserted, with those of the said judges, in a special commission, &c.

I A.B. do swear, that I will well and truly try and determine, to the best of my judgement, the matter now to be brought before me, according to the evidence that shall be given.

Oath to be taken by the special commissioners.

So help me GOD.

And in case the challenges shall reduce the number of names so drawn out to less than four peers and six commoners respectively, then and in such case the said three judges shall certify the same to the respective houses of Parliament, who shall proceed with all convenient dispatch to appoint and ballot afresh for lists of members to be transmitted to the clerk of the crown or his deputy, and afterwards to be inserted in a new commission to be issued in the manner

**Their powers.** herein-before directed; and the said special commissioners shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement of the common law upon convictions had and obtained according to the course of the common law for extortion or other misdemeanor; and also to declare the party so convicted incapable of serving the said united company in any capacity whatsoever; and that such judgement, to be pronounced by the said special commissioners as aforesaid in and upon such information, shall be good and effectual and conclusive to all intents and purposes whatsoever; and that no certiorari shall be granted by any court whatsoever for removing the proceedings of the said special commissioners on such information into any court whatsoever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit or other proceeding in any court of law or equity whatsoever.

**Their proceedings not to be removed by certiorari, &c.**

**Seven commissioners to make a quorum.**

**When the commissioners shall, by death, &c. be reduced to six, the commission shall be void, and a new one awarded.**

LXXII. PROVIDED always, and be it further enacted, that it shall and may be lawful to and for the said special commissioners, or any seven or more of them (of whom one of the said three judges at the least shall always be one) to hear and determine every such information, and from time to time to adjourn as they shall think fit; and in case any number of the said special commissioners shall before the said commission shall have been fully executed depart this life or be rendered incapable of acting so that the number of the said special commissioners shall be reduced to six, or if all the said three judges shall happen to die or be rendered incapable of acting whilst the said commission shall be depending, then and in either of such cases and from thenceforth the said commission and the force and effect thereof shall cease, and a new commission shall be awarded for hearing the matter of such information for which such former commission was issued, and the proceedings therein shall begin de novo, save only and except with respect to the examination or deposition of any witnesses (if any) which shall have been taken in writing under the said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission.

**Commissioners to appoint a register.**

**Proceedings to be delivered over to clerk of crown, &c.**

**Subpoenas may be issued for the attendance of witnesses.**

**Non-attendance to be deemed a misdemeanor.**

**Punishment for refusal to be examined.**

LXXIII. AND be it further enacted, that the said special commissioners shall nominate and appoint a fit and proper person or persons to act as their register or registers in the execution of the said commission; and when and so soon as the said commission shall have been fully executed, the said commission and the information and plea and the judgement had thereupon and all the depositions and examinations and other proceedings concerning the premises shall be delivered over by such register or registers unto the clerk of the crown in the Court of King's Bench, to be kept and recorded in that court.

LXXIV. AND be it further enacted by the authority aforesaid, that subpoenas requiring the attendance before the special commissioners to be appointed under this Act of any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this Act, may be issued out of the Crown Office of the Court of King's Bench; and in case any witness having due notice of such subpoena shall not attend in obedience to such subpoena his non-attendance shall be deemed a misdemeanor and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said special commissioners to punish such witness by fine or imprisonment at their discretion.

LXXV. AND be it further enacted, that the said special commissioners shall have full power and authority by virtue of this Act to send for persons, papers and records, and to examine all witnesses who shall come or be brought before them upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said special commissioners shall prevaricate in his evidence or shall otherwise misbehave himself before the said special commissioners, the said special commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet or the gaol of Newgate, there to remain for such time as the said special commissioners shall appoint, unless the said commissioners shall order them to be released sooner, which they are hereby empowered to do; and if any such witness shall wilfully give any false evidence before the said special commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

Commissioners may send for persons, papers and records, &c.,

and may commit prevaricators to the Fleet, &c.

False evidence to be perjury.

LXXVI. AND be it further enacted, that the recognizance to be entered into as aforesaid shall bind the property of all and singular the goods and chattels which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seised or possessed, or whereof any person or persons in trust for the party so entering into such recognizance (at the time of his entering into the same or at any time afterwards and before he shall be discharged therefrom) shall be seised or possessed.

The recognizance aforesaid shall bind all the goods and lands of the principal party at the time of entering into the same, &c.

LXXVII. AND be it further enacted, that where the party against whom such information shall have been exhibited as aforesaid shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto His Majesty, his heirs and successors, that it shall and may be lawful for His Majesty's attorney general or for the said united company or other prosecutor to exhibit interrogatories before the Court of Exchequer for the examination of the party adjudged to pay such fine as aforesaid, as to his estate and effects sufficient to answer the same fine; and if the said party shall not appear or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects herein-before declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such court, or on his refusal to answer such interrogatories, shall forfeit to the king's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements and hereditaments whatsoever, and shall be liable to be imprisoned in the gaol of Newgate or the Tower of London for such time as the said Court of Exchequer shall direct.

Where the party shall be found guilty and adjudged to pay a fine, he may be examined by interrogatories in the Court of Exchequer as to his estate and effects.

If he shall not appear, or refuse to answer, &c. he shall forfeit all his estate, and be committed.

LXXVIII. AND whereas the provisions made by former laws for the hearing and determining in England offences committed in India have been found ineffectual by reason of the difficulty of proving in this kingdom matters done there; be it further enacted by the authority aforesaid, that in all cases of informations laid or exhibited by virtue of this Act in the said

Depositions of witnesses may be taken in India, and transmitted to the Court of King's Bench,

and read  
before the  
special commis-  
sioners, and  
shall be deemed  
competent  
evidence.

Court of King's Bench for misdemeanors or offences committed in India it shall and may be lawful for his Majesty's said court, upon motion to be made on behalf of his Majesty's attorney general or other prosecutor or of the defendant or defendants, to award a writ or writs of mandamus requiring the chief justice and judges of the supreme court at Fort William in Calcutta for the time being, or the judges of the mayor's court of any of the British settlements in India, as the case may require, who are hereby respectively authorized and required accordingly, to hold a court with all convenient speed for the examination of witnesses and receiving other proofs concerning the matters charged in such informations respectively; and in the mean time to cause such publick notice to be given of the holding the said court, and to issue such summons or other process as may be requisite for the attendance of witnesses and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time as occasion may require, and such examination as aforesaid shall be then and there openly and publicly taken viva voce in the said court upon the respective oaths of witnesses and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall by some sworn officer of such court be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty in his Court of King's Bench closed up and under the seals of two or more of the judges of the said supreme court, and one or more of the judges of the said supreme court shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of His Majesty's Court of King's Bench in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or in what manner the same came into his hands), and that the same has not been opened or altered since he so received it (which said oath such clerk in court is hereby authorized and required to administer); and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read before the said special commissioners, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined viva voce at any trial before the said special commissioners for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges; and the chief justice of the said Court of King's Bench or one of the judges of the said court shall with all convenient speed after such deposition shall have been so received, together with the said information and plea, cause the same to be delivered over to the lord high chancellor or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall thereupon issue the commission under the great seal in the manner by this Act directed.

Chief justice of  
the King's  
Bench, &c. to  
deliver the  
deposition, &c.  
to the lord  
chancellor.

Delivery  
thereof to be  
during term.

LXXIX. PROVIDED always, and it is hereby further enacted, that no information or plea or deposition which by this Act is directed to be delivered over by the chief justice of the Court of King's Bench or one of the judges of the said court to the lord high chancellor or lord keeper or lords commissioners

for the custody of the great seal of Great Britain, shall be so delivered over at any other time than during some one of the three usual and accustomed terms herein-after mentioned, that is to say, Hilary term, Easter term or Michaelmas term.

LXXX. AND in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country by such evidence as the nature of the case will render practicable, be it further enacted, that in all proceedings upon such information as aforesaid as well the depositions taken under such commission or commissions after the publication thereof, as also all writings which shall have been transmitted from the East Indies to the court of directors of the said united company by their officers or servants resident in the East Indies in the usual course of their correspondence with the said court of directors, and copies of all writings which shall have been transmitted by the said court of directors or by any committee thereof to the officers and servants of the said united company resident in the East Indies, and which in any manner relate to the subject matter of the charge to be contained in such information or to the defence to be made thereto, may be admitted by the said commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent unless upon objections arising from the nature of the contents of the said writings, subject nevertheless to be impeached in point of credibility by such observations and objections as the nature of such evidence or other circumstances may suggest, any rule of the common law to the contrary notwithstanding.

Writings received by the court of directors from India, and copies of writings sent by the court to their servants there, relative to the charge in the information, &c. may be admitted by the Commissioners as evidence.

LXXXI. AND be it further enacted, that the said Court of King's Bench shall have power and authority at the prayer of his Majesty's attorney general or other prosecutor or of the party against whom such information shall be exhibited, to order an examination de bene esse of witnesses upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, or by commission as the case shall require, and to cause the depositions of such witnesses to be published when the same shall appear to them to be proper and necessary, and which depositions shall be afterwards admitted to be read in evidence before the said commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid; saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Court of King's Bench, at the prayer of the prosecutor, &c. may order an examination de bene esse of witnesses upon interrogatories, &c.

LXXXII. AND be it further enacted by the authority aforesaid, that no prosecution in consequence of this Act shall be commenced unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particular required by this Act.

Limitation of prosecutions.

LXXXIII. PROVIDED always, and be it enacted, that nothing herein contained shall extend or be construed to extend to prejudice or affect the rights or claims of the publick or the said united company respecting the said territorial acquisitions and revenues.

Not to affect the claims respecting the territorial acquisitions.

LXXXIV. AND be it further enacted, that this Act shall take place and have commencement in Great Britain immediately after the same shall have received his Majesty's royal assent, and shall take place and have commencement in the several presidencies aforesaid [a] and in the territories thereunto

Commencement of this Act.

[a] i.e. the several presidencies established in the East Indies.]

belonging from the first day of January one thousand seven hundred and eighty-five.

Publick Act.

LXXXV. AND be it further enacted, that this Act shall and shall be deemed and taken to be a publick Act.

## CHAPTER XXVI.

AN Act to repeal so much of Two Acts made in the Tenth and Fifteenth Years of the Reign of his present Majesty as authorizes the Speaker of the House of Commons to issue his Warrant to the Clerk of the Crown for making out Writs for the Election of Members to serve in Parliament in the manner therein mentioned, and for substituting other provisions for the like purposes.

\* \* \* \* \*

Speakers to issue his warrant during a recess for making out writs for electing members in the room of those who shall die or become peers of Great Britain.

II. AND be it enacted, that from and after the passing of this Act it shall and may be lawful for the speaker of the House of Commons for the time being, during any recess of the said house, whether by prorogation or adjournment, and he is hereby required to issue his warrant to the clerk of the crown, to make out a new writ for electing a member of the House of Commons in the room of any member of the said house who shall happen to die, or who shall become a peer of Great Britain either during the said recess or previous thereto, as soon as he shall receive notice by a certificate, under the hands of two members of the House of Commons, of the death of such member in the first case, and in the second case that a writ of summons hath been issued under the great seal of Great Britain, to summon such peer to Parliament; which certificate may be in the form or to the effect comprized in the schedule hereunto annexed.

Certificates of vacancies to be notified in the gazette.

III. PROVIDED always, and be it enacted, that the speaker of the House of Commons shall forthwith after his receiving such certificate cause notice thereof to be inserted in the London Gazette, and shall not issue his warrant until fourteen days after the insertion of such notice in the gazette.

Certain restrictions on the speaker relative to issuing his warrant.

IV. PROVIDED also, that nothing herein contained shall extend to enable the speaker of the House of Commons to issue his warrant for the purposes aforesaid unless the return of the writ (by virtue of which such member deceased or become a peer of Great Britain was elected) shall have been brought into the office of the clerk of the crown fifteen days at the least before the end of the last sitting of the House of Commons immediately preceding the time when such application shall be made to the speaker of the House of Commons to issue such warrant as aforesaid; nor unless such application shall be made so long before the then next meeting of the House of Commons for the dispatch of business as that the writ for the election may be issued before the day of such next meeting of the House of Commons; nor in case such application shall be made with respect to any seat in the House of Commons which shall have been vacated in either of the methods before-mentioned by any member of that house against whose election or return to serve in Parliament a petition was depending at the time of the then last prorogation of Parliament or adjournment of the House of Commons.

V. AND whereas the due execution of this Act may be prevented or impeded by the death of the speaker of the House of Commons for the time being, or by his seat in Parliament becoming vacant, or by his absence out of the realm, for which inconveniencies it is expedient to provide a remedy: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the present speaker of the House of Commons, and he is hereby required within a convenient time after the passing of this Act, and for every future speaker of the House of Commons, and he is hereby required within a convenient time after he shall be in that office, at the beginning of any Parliament, by any instrument in writing under his hand and seal, to nominate and appoint a certain number of persons, not more than seven nor less than three, members of the House of Commons at the time being, thereby authorizing them or any one of them to execute all and singular the powers given to the speaker of the House of Commons for the time being for issuing such warrants as aforesaid by virtue of this Act, subject nevertheless to such regulations and exceptions as are herein also contained, which instrument of appointment and authority shall, notwithstanding the death of the speaker of the House of Commons making and executing the same or the vacating his seat in Parliament, continue and remain in full force until the dissolution of the Parliament in which it shall be made.

Speaker to authorise a certain number of members of the House of Commons to execute the powers given to him by this Act.

VI. PROVIDED always, and be it enacted, that whenever and as often as the said number of persons so to be appointed as aforesaid shall by death or by their seats in Parliament being vacated happen to be reduced to less than three, it shall and may be lawful for the speaker of the House of Commons for the time being to make a new appointment in the manner herein-before directed.

When such number shall be reduced to less than three a new appointment to be made.

VII. PROVIDED also, that every such appointment shall be entered in the journals of the House of Commons and be also published once in the London Gazette, and the instrument of such appointment shall be preserved by the clerk of the House of Commons, and a duplicate thereof shall be filed in the office of the clerk of the crown in Chancery.

Appointments to be entered in the journals of the house, and published in the Gazette.

VIII. PROVIDED also, that nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any person so to be nominated and appointed as aforesaid, except in the case of there being no speaker of the House of Commons or of his being absent out of the realm, nor for any longer time than such person so to be appointed as aforesaid shall continue a member of the House of Commons, any thing herein contained to the contrary notwithstanding.

In what cases only such persons are empowered to act.

IX. AND be it enacted, that the publisher of the Gazette for the time being, when any such notice as aforesaid of the issuing of any such warrant shall be brought to him signed by any person so appointed as aforesaid, shall give a receipt for the same, specifying the day and hour when the same was received, and in case more than one such notice shall be brought to him relative to the same election such publisher shall insert in the Gazette only the notice first received.

Publisher of the Gazette to give receipts for notices.

#### SCHEDULE.

**WE** whose names are underwritten, being two members of the House of Commons, do hereby certify, that M.P., late a member of the said house, serving as one of the knights of the shire for the county of





## CHAPTER LIII.

AN ACT for granting to his Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver wrought Plate made in Great Britain. [•]

\* \* \* \* \*  
 IV. AND be it further enacted, that every working goldsmith and silver-smith or other manufacturer of gold or silver whatsoever who shall at any time or times after the said first day of December one thousand seven hundred and eighty-four work or make or cause to be wrought or made any gold or silver vessel, plate or manufacture of gold or silver whatsoever required to be touched, assayed and marked by the company of goldsmiths in London, or the company of goldsmiths in Edinburgh, or by the Birmingham or Sheffield companies, or by the wardens and assayer or assayers at York, Exeter, Bristol, Chester, Norwich and Newcastle upon Tyne, shall from time to time send with every parcel of such gold or silver to the assay office of the said respective companies, cities and places a note or memorandum fairly written, containing the day of the month and year, the Christian and surname of the worker or maker, and place of his or her abode, and also all the species in such parcel of plate, and the number of each species, with the total weight of such parcel, and also the sum of money payable for the duty upon the total weight of such parcel; and also shall from time to time send, deliver and pay with every such parcel to the officer belonging to such respective assay office who shall receive such parcel of gold or silver so sent to be touched, assayed and marked, the duty by this Act directed to be paid upon every such parcel of gold or silver so required to be touched, assayed and marked.

From Dec. 1, 1784, goldsmiths, &c. shall send to the assay office with every parcel of gold or silver a written note.

Particulars to be specified therein.

V. AND be it further enacted that the wardens or their deputy, assay-master, weigher or other person appointed by the said respective companies or assay officers shall mark with the following new mark, that is to say, with the mark of the King's head, over and besides the several other marks directed by law, all and every such pieces or parcels of gold or silver plate so sent to be touched, marked and assayed, and shall, previous to the touching, marking or assaying such gold or silver plate or manufacture, ask, demand and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons whose property is so required to be touched, marked and assayed, the sum of eight shillings for every ounce of gold plate or manufacture of gold, and so in proportion for any greater or less quantity which shall be brought to the said respective assay offices to be touched, marked and assayed as aforesaid, and also the sum of sixpence for every ounce of silver plate or manufacture of silver, and so in proportion for any greater or less quantity which shall be brought to the said respective assay offices to be touched, marked and assayed as aforesaid, and shall give a receipt for the duty so paid to the person or persons bringing such plate or manufacture; and in default of receiving such duty in manner aforesaid such respective companies or assay offices so touching, marking or assaying such plate shall be accountable to his Majesty, his heirs and successors, for the said duty, as if the same had actually been by them received.

Plate how to be marked.

Duties to be paid previous to the marking.

Receipts to be given for the duty.

[• Rep., as to the customs duties and stamp duties hereby granted, Stat. Law Rev. Act, 1861.]

Assay masters, &c. to pay the duties and deliver the notes they receive daily to the clerk or accountant, &c.

VI. AND be it further enacted, that the assay master, weigher or other officer of the said respective companies or assay offices who shall from time to time from and after the said first day of December one thousand seven hundred and eighty-four take and receive the said monies and duties, with the said notes or memorandums, shall daily, as soon as he shall have entered the same in the book or books of the said respective companies or assay offices, deliver the said notes or memorandums and pay the said sums of money and duties so by him received to the clerk or accountant of the said respective companies or assay offices, who shall file the same notes or memorandums and enter the same, and keep a true and faithful account in writing, in books to be kept for that particular purpose, of the duties received by him under and by virtue of this Act, which said account shall at all times be open for the inspection of any person or persons duly authorized, under the hands and seals of the said commissioners of the stamp-duties or the major part of them, to inspect the same.

An allowance of part of the duty to be made for goods sent to be assayed in a rough state.

VII. AND whereas gold or silver wares when sent to be marked and assayed are sent in so rude and rough a state that the same in the finishing are greatly lessened in weight: Be it therefore enacted, that the person appointed by the said companies or assay offices to take and receive the monies and duties by this Act directed shall, where such plate is sent to be marked and assayed in the same rude and rough state as heretofore has been usual, make a deduction of one fifth from the weight and an allowance of one fifth part of the duty hereby imposed to the person or persons bringing the same, and shall at the bottom of the note or memorandum herein-before directed to be kept and filed express the deduction from the weight and the allowance of the duty accordingly: Provided always, that nothing herein contained shall extend to any allowance being made on any quantity of silver plate or manufacture less in weight than one ounce troy nor to any fractional part of an ounce.

Gold or silver plate made after Dec. 1, 1784, not to be sold or exchanged or exported until marked as by this Act directed;

VIII. AND be it further enacted, that from and after the said first day of December one thousand seven hundred and eighty-four no goldsmith, silversmith or other person whatsoever making or selling, trading or dealing in gold or silver wares shall sell, exchange or expose to sale in Great Britain any gold or silver vessel, plate or manufacture of gold or silver whatsoever made after the said first day of December one thousand seven hundred and eighty-four, or export the same out of the kingdom of Great Britain, until such time as such vessel, plate or manufacture of gold (being of the standard directed by law), and such vessel, plate or manufacture of silver (being likewise of the standard directed by law), shall be marked with the new mark herein-before directed, (that is to say,) the King's head, over and besides all other marks already directed by law to be marked or impressed thereon, upon pain that every such goldsmith, silversmith or other person so offending shall for every such offence forfeit and pay the sum of fifty pounds, to be recovered and disposed of as herein-after is directed, and for default of not paying down the penalty upon conviction shall be committed by the court in which judgement shall be given thereon to the house of correction for the county, city, liberty or place where convicted, there to remain and to be kept to hard labour for any time not exceeding the space of one year nor less than six months, or until payment be made of the said forfeiture; and also upon pain

on penalty of 50*l.*,

that such gold and silver vessel, plate and manufacture of gold and silver which shall be sold, exchanged or exposed to sale without having the mark thereon as by this Act is directed shall be forfeited, one moiety thereof to the King's majesty, his heirs and successors, and the other moiety thereof to such person or persons who shall sue for the same.

and forfeiture  
of the goods.

IX. PROVIDED always, and it is hereby declared, that nothing in this Act contained shall extend to any jewellers works, (that is to say,) any gold or silver wherein any jewels or other stones are or shall be set (other than mourning rings), nor to any jointed night ear-rings of gold or gold springs of locketts, nor to compel any of the wares of gold or silver [Rep., 30 Geo. 3. c. 31. s. 1.] to be stamped or marked with the stamp or mark directed by this Act which are particularly excepted in the Act made in the twelfth year of the reign of his late Majesty, intituled "An Act for the better preventing frauds and " abuses in gold and silver wares."

Particular  
wares to which  
this Act shall  
not extend.

12 Geo. 2.  
[c. 26. s. 6.]

X. PROVIDED always, and it is hereby enacted, that when any parcel of gold or silver shall in any of the respective assay offices aforesaid be found to be of a coarser alloy than the respective standards, and shall be cut, broken and defaced, then and in such case (and where no intended fraud shall appear) the duty granted by this Act, and which shall have been paid upon every such parcel upon the delivery thereof to be assayed, shall be returned to the worker or maker by the companies or assay offices who shall cut, break or deface such gold or silver work or manufacture so brought to be touched, assayed and marked, and the said companies and assay offices shall make an entry in the books herein-before directed to be kept by them of the species and weight of each parcel so cut, broken and defaced by them, and the names of the persons to whom such gold and silver plate did belong, and the amount of the duty so returned.

Duty to be  
returned for all  
gold and silver  
defaced for  
being coarser  
than the stan-  
dard (if no  
intended fraud  
shall appear).

\* \* \* \* \*

XIII. AND be it further enacted, that the clerk or accountant of the company of goldsmiths in London shall on the twenty-fifth day of December one thousand seven hundred and eighty-four, or within two months after, deliver to the said commissioners of stamp-duties, or some person or persons authorized by them at the head office to receive the same, true copies of the accounts herein-before directed to be kept for the quarter which shall be completed before such day of delivery, and at the same time shall pay all such sum and sums of money which shall have been received on account of the said duties before the said twenty-fifth day of December; and from thenceforth shall, some time within two months after the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September and the twenty-fifth day of December in every year, or at such other times after the expiration of the said two months as may be appointed by the major part of the said commissioners of the stamp-duties, giving a previous publick notice of fourteen days or more by advertisement in the London Gazette, deliver or cause to be delivered to the said commissioners, or to the person or persons appointed by them for the purpose of receiving the same, at the head office of the said commissioners, true copies of the accounts herein-before directed to be kept by such clerks or accountants of the said respective companies or assay offices for the quarter which shall be completed before such day of delivery or notice, as the case shall be, and at the same time shall pay such sum and sums which shall appear to be due on such

Clerk, &c. of  
the goldsmiths  
company  
within two  
months after  
Dec. 25, 1784,  
and from  
thenceforth  
within two  
months after  
every quarter  
day, &c.,  
to deliver to the  
commissioners  
of stamps  
copies of the  
accounts for  
the preceding  
quarter;

and to pay  
the monies due  
thereon to

the receiver  
general of  
stamp-duties.

Penalty on  
default.

Wardens or  
other persons  
appointed by  
the goldsmiths  
company at  
Edinburgh, &c.  
within two  
months after  
Dec. 25, 1784,  
and from  
thenceforth  
within two  
months after  
every quarter  
day, &c.,  
to deliver to the  
head distributor  
of stamps, &c.  
copies of the  
accounts for  
the preceding  
quarter;

and to pay  
the monies due  
thereon to the  
receiver general  
of stamp-duties.  
Penalty on  
default.

An allowance  
to be made to  
the clerks, &c.  
for their  
trouble.

accounts to the receiver general for the time being of the duties on stamped vellum, parchment and paper, or to the proper officer appointed to receive the said duties, for the use of his Majesty, his heirs and successors, at the said head office; upon pain of forfeiting for every default in not delivering true copies of such accounts the sum of five hundred pounds, and for every default in payment of the monies due on such accounts double the amount of the money so due and payable at the time of such default.

XIV. AND be it further enacted, that the wardens or their deputies or the clerk or accountant or other person appointed to receive the duty hereby imposed by the goldsmiths company at Edinburgh, or by the companies of Birmingham and Sheffield, or the respective assay offices at York, Exeter, Bristol, Chester, Norwich and Newcastle upon Tyne, or other cities or places where any assay office shall or may be established, shall on the twenty-fifth day of December one thousand seven hundred and eighty-four, or within two months after, deliver to the head distributor of stamped vellum, parchment and paper in and for the city or county in which such companies or assay offices shall be established, or to the person or persons duly authorised and commissioned under the hands and seals of three of the said commissioners for stamp-duties to receive such accounts and the money due thereon, true copies of the accounts herein-before directed to be kept by such companies or assay offices respectively, and which shall on the said twenty-fifth day of December one thousand seven hundred and eighty-four, or within two months after, be outstanding or to be accounted for under this Act, and shall at the same time pay all the monies which shall have been received by them respectively on account of the aforesaid duties before the said twenty-fifth day of December; and from thenceforth shall, some time within two months after the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September and the twenty-fifth day of December in every year, or at such other times after the expiration of the said two months as may be appointed by the head distributor or the person or persons so to be authorised to receive the said duties, giving a previous notice of fourteen days or more by advertisement in the London Gazette or in the newspaper, if any such there be, published in and for the county where such head distributor resides, deliver or cause to be delivered to such head distributor or other person or persons aforesaid true copies of the accounts herein-before directed to be kept by such companies or assay offices for the quarter which shall be completed before such day of delivery or notice, as the case shall be, and at the same time shall pay to such head distributor or other person or persons so to be authorised as aforesaid all sums of money which shall appear to be due upon such accounts; under the penalty of forfeiting for every default in not delivering such accounts the sum of fifty pounds, and for every default in payment of the monies due on such accounts double the amount of the said monies due on the said account at the time of such default.

XV. AND it is hereby enacted, that the said receiver general of the stamp-duties at the head office, and the said head distributor of stamped vellum, parchment and paper, or other person or persons duly appointed by the major part of the said commissioners of stamp-duties to receive the duties by this Act imposed, shall make an allowance to all and every the clerks, accountants or other person or persons so appointed by such companies or assay offices respectively, for their trouble in originally receiving the said

duties and making out such account as is herein-before directed, at and after the rate of sixpence in the pound out of the monies by them regularly accounted for and paid to such receiver general or head distributor or such other person or persons as aforesaid, according to the directions herein-before contained.

XVII. AND be it further enacted, that all pecuniary penalties hereby imposed shall be divided and distributed in manner following; that is to say, one moiety thereof shall belong to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same in any of his Majesty's courts at Westminster for offences committed in England, Wales or Berwick upon Tweed, or in his Majesty's Court of Exchequer in Scotland for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint or information, wherein no essoin, protection, privilege, wager of law or more than one imparlance shall be allowed. Penalties how to be divided.

XIX. AND be it further enacted, that if any person or persons, bodies politick or corporate, shall at any time or times be sued, molested or prosecuted for any thing by him or them done or executed in pursuance of this Act, or of any clause, matter or thing herein contained, such person or persons and bodies politick or corporate shall or may plead the general issue and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants or the plaintiff or plaintiffs become non-suited, then such defendant or defendants shall have treble costs awarded to him, her or them against such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.] Defendants may plead the general issue, and recover treble costs.

## 25 GEORGE III. A.D. 1785.

### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
A.D. 1784,

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,

AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTY-FIFTH DAY OF JANUARY, A.D. 1785,

BEING THE SECOND SESSION OF THE SIXTEENTH PARLIAMENT OF  
GREAT BRITAIN.

### CHAPTER XVIII.

AN ACT to empower the Justices of Oyer and Terminer and Gaol Delivery of Newgate for the County of Middlesex to continue to hold a Session of Gaol Delivery of Newgate, begun to be holden before the Essoign Day of Term and Sitting of the King's Bench at Westminster, notwithstanding the happening of such Essoign Day, or the Sitting of the said Court of King's Bench at Westminster or elsewhere in the said County of Middlesex.

**W**HEREAS by the present law of this realm the power and authority of justices appointed and authorised under and by virtue of any commission of oyer and terminer, or any commission of gaol delivery awarded into

Preamble.

and for any county or place, are suspended by the coming and sitting of his Majesty's Court of King's Bench in such county or place: And whereas it hath oftentimes happened that the gaol of Newgate in London hath not been delivered of all the prisoners in it nor the business of a session of gaol delivery of the said gaol of Newgate for the county of Middlesex finally concluded before the essoign day of term and the sitting of his said Majesty's Court of King's Bench at Westminster in the said county of Middlesex, by reason whereof divers prisoners in the said gaol of Newgate have remained untried at such session and have been kept and continued in the said gaol until the following session, to the great inconvenience of the publick, to the manifest hindrance and delay of justice, to the prevention of speedy and condign punishment being inflicted on offenders, and to the great increase of the number of prisoners confined in the said gaol, from which the most alarming and dangerous consequences are at times dreaded and likely to ensue: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the third day of May one thousand seven hundred and eighty-five, when any session of oyer and terminer and gaol delivery of the said gaol of Newgate for the said county of Middlesex shall have been begun to be holden before the essoign day of any term, that the same session shall and may be continued to be holden, and the business thereof finally concluded, notwithstanding the happening of such essoign day of any term, or the sitting of his Majesty's said Court of King's Bench at Westminster or elsewhere in the said county of Middlesex, and that all trials, judgements, proceedings, acts, deeds, matters and things whatsoever, and all proceedings, acts, deeds, matters and things in pursuance of such judgements had, made and done at such session so continued to be holden after the essoign day of any term, or the sitting of his said Majesty's Court of King's Bench at Westminster or elsewhere in the said county of Middlesex shall be good, valid and effectual in law, and deemed, reputed and taken to be so to all intents and purposes. whatsoever, any law, usage or custom to the contrary thereof in anywise notwithstanding.

After May 3, 1785, session of gaol delivery of Newgate for Middlesex not to be discontinued by the sitting of the Court of King's Bench, &c.

Publick Act.

II. AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act.

## CHAPTER XXXV.

AN ACT for the more easy and effectual Sale of Lands, Tenements and Hereditaments of Crown Debtors or of their Sureties.

Preamble.  
13 Eliz. c. 4.

**W**HEREAS by an Act made in the thirteenth year of the reign of Queen Elizabeth (intituled An Act to make the lands, tenements, goods and chattels of tellers, receivers, etcetera, liable to the payment of their debts), for the better security of the Queen's Majesty, her heirs and successors, against such as should have the receipt and charge of the money and treasure of her Highness, her heirs and successors, it was declared and enacted, that all lands, tenements, profits, commodities and hereditaments which certain officers of the crown, farmers and persons therein named, particularly the treasurer or

receiver of any sums of money impressed or otherwise for the use of the Queen's Majesty, her heirs or successors, then had or at any time thereafter should have within the time he or they or any of them should remain accountable, should, for payment and satisfaction unto the Queen's Majesty, her heirs and successors, of his or their arrearages at any time thereafter to be lawfully according to the laws of the realm adjudged and determined upon his or their account (all his due and reasonable petitions being allowed), be liable to the payment thereof and be put in execution for payment of such arrearages or debts in like and in as large and beneficial a manner as if the person had the day he became officer or accountant stood bound by writing obligatory, having the effect of a statute of the staple, to her Majesty, her heirs or successors; and reciting, that forasmuch as many times it might come to pass that the Queen's Highness, her heirs or successors, might not be conveniently satisfied of the debt to be determined or due upon any account as aforesaid by way of extent, for that the yearly value of the lands extended would not satisfy her Highness, her heirs or successors, within the compass of many years, so as that great loss might ensue to her Highness, her heirs and successors, for remedy thereof it was enacted, that if any treasurer or other person accountant before mentioned which should from and after the feast of Saint Michael then next ensuing receive or be chargeable with any money or treasure of the Queen, her heirs or successors, and should upon the determining of his or their account or by reason of any farm as aforesaid be found in arrearages, and should not within six months next after his or their accounts finished or debt known pay all such sums of money as he or they should upon determination of his or their account or upon his or their debt known, it should be lawful to the Queen's Highness, her heirs and successors, at any time and from time to time, after the said six months ended, to make sale by her or their letters under the great seal of England of so much of the lands, tenements and hereditaments of every such accountant or debtor so being found in arrearages or debt as might suffice the Queen, her heirs or successors, for satisfaction, until her Majesty, her heirs or successors, should be by such sale fully satisfied and paid off such arrearages and debt; and that if any overplus should be received upon any such sale, then the same should be paid to the accountant or farmer or his heirs by the officer that should receive the same money upon any of the said sales, without further warrant in that behalf: And whereas by an Act made in the twenty-seventh year of the same Queen, after reciting certain doubts upon the said Act of the thirteenth year of her reign, it was declared and enacted, that the said recited Act in every part thereof touching the power thereby given to her Highness, her heirs and successors, to make sale of any the lands, tenements or hereditaments by the same Act limited to be sold should be expounded and intended as well in case where the sale is to be made after the death of such accountant or debtor as where it is to be made in his or their life-time, and also as well in case where the account is made or the debt known within eight years after the death of such accountant or debtor as where the same account is made or the debt known in the life-time of the same accountant or debtor; but it was provided that after the death of such accountant or debtor, and before any the lands, tenements and hereditaments descended unto the heir of such accountant or debtor as heir

27 Eliz. c. 3.

39 Eliz. c. 7.

Court of Exchequer, on application of the attorney general, may order the lands of any debtor to his Majesty, &c. to be sold.

should be sold, a scire facias should be awarded out of her Majesty's Court of Exchequer unto the sheriff of the county where any such lands lie, to garnish the same heir to show cause why the same lands, tenements and hereditaments should not be put to sale for satisfaction of the same debts or farms in the said Act mentioned, according to the tenor thereof; whereupon if the heir should not within a convenient time, upon a garnishment or two nichils returned, show and prove unto the said court that the executors or administrators of such accountant or debtor have sufficient which ought to answer or be liable for the same debt or farm, then, after ten months next after such two nichils or garnishment returned, the same lands, tenements or hereditaments should be sold by her Majesty, her heirs or successors, and the money thereof coming disposed according to the said former recited Act; and after various other enacting clauses there was a proviso to prevent sale of the lands, tenements or hereditaments of any heir during the time of his or her nonage: And whereas by an Act made in the thirty-ninth year of the reign of Queen Elizabeth the said recited explanatory Act of the twenty-seventh year of Queen Elizabeth was repealed and a new exposition was made of the said recited statute of the thirteenth of Elizabeth with various new provisions, but the said Act of the thirty-ninth year of Elizabeth being only temporary and having expired early in the reign of James the First, the said explanatory Act of the twenty-seventh year of Elizabeth became revived and is now in force: And whereas it may tend greatly to facilitate and expedite the payment of debts to the crown where the real estates of its accountants or debtors or of their sureties are seized into the King's hands under writs of extent if a sufficient part of such estates was to be sold unto the provisions of the said recited Acts of the thirteenth and twenty-seventh years of Queen Elizabeth, but the said Acts have not been lately put in use, and inconvenience is likely to arise if the mode of sale therein directed should be pursued: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty's Court of Exchequer, and the same court is hereby authorised on the application of his Majesty's attorney general in a summary way by motion to the same court, to order that the right, title, estate and interest of any debtor to his Majesty, his heirs and successors, and the right, title, estate and interest of the heirs and assigns of such debtor in any lands, tenements or hereditaments which have been or shall hereafter be extended under and by virtue of any such writ of extent or diem clausit extremum as aforesaid, or so much thereof as shall be sufficient to satisfy the debt for which the same shall have been so extended, shall be sold in such manner as the said court shall direct, and that when a purchaser or purchasers shall be found the conveyance of the lands, tenements or hereditaments so decreed to be sold shall be made to the purchaser or purchasers by his Majesty's remembrancer in the said Court of Exchequer or his deputy, under the direction of the said court, by a deed of bargain and sale to be inrolled in the same court; and that from and after the making of such conveyance and the inrollment thereof as aforesaid the bargainee or bargainees in such conveyance, and his or their heirs, executors, administrators and assigns, shall have, hold and



enjoy the lands, tenements and hereditaments therein comprized for his and their own respective use and benefit, not only against the extent of the crown, but also against such debtor of the crown or the surety or sureties for such debtor, and all persons claiming under such debtor or the surety or sureties, unless by a title paramount to and available in law against such extent as aforesaid; and all monies which shall become payable from any such purchaser or purchasers as aforesaid shall be paid, accounted for and applied towards discharge of the debt due to the crown, and of all costs and expences which shall be incurred by the crown in enforcing the payment of such debt in such manner as the said Court of Exchequer shall from time to time order and appoint; and if after payment of the whole debt to the crown and of all costs and expences incurred in enforcing the payment thereof there shall be any surplus of the monies arising from any such sale, the said surplus shall belong to the same person or persons as would be intitled to the lands, tenements or hereditaments sold if there had not been a sale thereof, and shall accordingly be paid to such person or persons under the order and direction of the said Court of Exchequer, upon motion or petition to the said court, to be made upon such notice to the crown and to be supported by such affidavits or other proofs as to the said court shall from time to time seem just and reasonable.

Application of purchase-monies.

The surplus, if any, after payment of debt and costs, to be paid to the persons intitled to the lands sold.

II. AND whereas from the want of the deeds and writings relative to the title of such lands, tenements and hereditaments as the said Court of Exchequer may decree to be sold under this Act difficulties may arise in the execution hereof: Be it therefore further enacted, that it shall be lawful for the said Court of Exchequer from time to time to make such order touching the production, delivery and custody of such title deeds and writings as aforesaid in the same manner as if a decree had been made by the said court for a sale of the lands of a crown debtor in execution of a trust created for payment of debts by such crown debtor himself.

Court of Exchequer may make an order for the production, &c. of title deeds.

## CHAPTER XL

AN ACT for more effectually preventing Frauds and Abuses committed by Persons employed in the Manufactures of Combing Wool, Worsted Yarn and Goods made from Worsted, in the Counties of Bedford, Huntingdon, Northampton, Leicester, Rutland and Lincoln and the Isle of Ely.

**W**HEREAS by an Act made in the twenty-second year of the reign of his late Majesty King George the Second, intituled "An Act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures, and for the better payment of their wages;" and by another Act made in the fourteenth year of the reign of his present Majesty King George the Third, intituled "An Act to amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second, intituled 'An Act for the more effectual preventing of frauds and abuses committed by persons employed

Preamble.

Recital of Acts 22 Geo. 2. [c. 27.],

14 Geo. 3. c. 44.,

and 15 Geo. 3.  
c. 14.

General meet-  
ing of woollen  
manufacturers  
of Bedford-  
shire, &c.,

who shall elect  
18 persons to  
be a com-  
mittee.

“ ‘ in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron,  
“ ‘ leather, fur, hemp, flax, mohair and silk manufactures, and for preventing  
“ ‘ unlawful combinations of journeymen dyers and journeymen hot pressers,  
“ ‘ and of all persons employed in the said several manufactures, and for the  
“ ‘ better payment of their wages;’ ” and by another Act made in the fifteenth  
year of the reign of his said present Majesty, intituled “ An Act to explain  
“ and amend an Act made in the fourteenth year of his present Majesty, intituled  
“ “ An Act to amend an Act made in the twenty-second year of the reign of  
“ “ his late Majesty King George the Second, intituled ‘ An Act for the more  
“ “ ‘ effectual preventing of frauds and abuses committed by persons employed  
“ “ ‘ in the manufacture of hats, and in the woollen, linen, fustian, cotton,  
“ “ ‘ iron, leather, fur, hemp, flax, mohair and silk manufactures, and for pre-  
“ “ ‘ venting unlawful combinations of journeymen dyers and journeymen hot  
“ “ ‘ pressers, and of all persons employed in the said several manufactures,  
“ “ ‘ and for the better payment of their wages,’ ” certain penalties and  
punishments in the said Acts respectively mentioned are inflicted upon all  
persons who shall reel short or false yarn, and on persons embezzling the  
materials used in the said manufactures: And whereas the good purposes in  
the said laws have been greatly frustrated from the manufacturers of combing  
wool, worsted yarn and goods made from worsted being unwilling to expose  
themselves singly to the loss attending the resentment of the spinners and  
work-people by prosecuting them for offences against the said Acts: And  
whereas this important branch of the woollen manufacture will be greatly  
prejudiced thereby unless the manufacturers are enabled jointly to carry  
these laws into effectual execution, which cannot be done without the  
aid of Parliament: May it therefore please your Majesty that it may be  
enacted, and be it enacted by the King’s most excellent Majesty, by and with  
the advice and consent of the lords spiritual and temporal, and commons, in  
this present Parliament assembled, and by the authority of the same, that a  
general meeting of the manufacturers of combing wool, worsted yarn and  
goods made from worsted in the counties of Bedford, Huntingdon, North-  
ampton, Leicester, Rutland and Lincoln and the Isle of Ely shall be held at  
Kettering in the county of Northampton upon the second Tuesday in the  
month of August next ensuing after the passing of this Act, at the hour of  
eleven of the clock in the forenoon of the same day, notice of which shall be  
given in the Northampton, Cambridge, Stamford and Lincoln newspapers at  
least twenty-one days before the said meeting, by the clerk of the peace for  
the county of Northampton, at which said general meeting the said manufac-  
turers present, by themselves or proxies appointed by writing under the hands  
of any such manufacturers, such proxies (if any) being also manufacturers,  
shall have votes; and having first chosen a chairman the said manufacturers  
shall elect, nominate and appoint eighteen persons from amongst themselves,  
in the manner and proportions following; videlicet, from the county of Bedford  
three, from the county of Huntingdon three, from the county of Northampton  
three, from the county of Leicester two, from the county of Rutland two,  
from the county of Lincoln three, videlicet, one from the parts of Lindsey,  
one from the parts of Holland, and one from the parts of Kesteven, and from  
the Isle of Ely two, which said eighteen persons so to be elected shall be a  
committee of the said manufacturers for the time being, and until another

committee shall be chosen and appointed in the manner herein-after provided, and so as often as there shall be occasion, which committee are hereby authorised and empowered to nominate and recommend proper persons for the said counties and the said Isle of Ely respectively, to be licensed by the justices of the peace of the said counties and the said Isle of Ely respectively, at any of their quarter sessions or any adjournment thereof, or if no adjournment then by two justices of the peace for any of the said counties and the said Isle of Ely, to be inspectors for the purposes herein-after mentioned; and the said committee shall also have the direction of all prosecutions of offenders against this and the said before-mentioned Acts, and the management of the fund or funds herein-after to be created, and shall have power to do all other matters and things which may be deemed necessary and proper for carrying this Act into execution in such manner as the said committee of the manufacturers for the time being or the majority of them, at a quarterly meeting to be assembled, shall judge and think best for the interest and advantage of all the said manufacturers in the said counties of Bedford, Huntingdon, Northampton, Leicester, Rutland and Lincoln and the Isle of Ely.

Committee to  
appoint  
inspectors.

II. AND be it further enacted, that it shall be lawful for the said committee or the majority of them, at any quarterly meeting assembled, and they are hereby authorized and required from time to time to nominate and appoint by writing under their hands a proper person or persons to be their clerk or clerks for the several counties before mentioned and the Isle of Ely, which said clerk or clerks shall attend the meetings of the said committee, and shall, in proper books to be provided for that purpose, enter and keep true and perfect accounts of all the acts, proceedings and transactions of the said committee, and that each and every of the said manufacturers shall and may at all convenient times have recourse to and peruse and inspect all such books gratis, and may demand and have copies thereof or of any part thereof, paying two-pence for every one hundred words so to be copied; and if any such clerk shall refuse to permit any such manufacturer to inspect any such book, or refuse to make copies or extracts thereof at the rate or times aforesaid, he shall for every such offence forfeit the sum of five pounds, to be recovered in such manner as any other penalties inflicted by this Act are directed to be recovered.

Committee to  
appoint a  
clerk or clerks,  
to keep records  
of their trans-  
actions;

which may be  
inspected by  
manufacturers.

III. AND be it further enacted, that for the purposes aforesaid a meeting of the said committee for the time being shall be held four times in every year; (that is to say), on the Monday before Midsummer-day, the Monday before Michaelmas-day, the Monday before the Epiphany, and the Monday before Easter-day, at eleven of the clock in the forenoon of each and every of the said days, in any of the counties before-mentioned, which the said committee shall think the most convenient place for transacting the business, and the committee at such quarterly meetings shall have power to adjourn themselves from time to time as occasion may require; the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are herein-before appointed to be held which shall first happen after the election of such committee for the several counties before mentioned and the said Isle of Ely, and at such place as shall be fixed and agreed upon by such committee after their election; and at such first quarterly meeting and every subsequent quarterly meeting of such committee

Committee to  
hold quarterly  
meetings.

Chairman to  
be chosen, &c.

for the time being a chairman for each of such quarterly meetings shall be chosen, and the place at which the then next quarterly meeting shall be held shall be fixed upon and appointed by the majority of such committee then assembled, and the chairman of such committee is hereby required to cause fourteen days notice to be given of the time and place of the next following quarterly meeting of such committee in the Northampton, Cambridge, Stamford and Lincoln newspapers; and all matters or things that shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee there present; and if there shall be an equality of votes upon any question which shall come before the said committee, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Questions to be determined by a majority;

and chairman to have casting vote.

No business to be done at quarterly meetings unless seven members are present.

IV. PROVIDED nevertheless, that in case at any such quarterly meetings there shall not be present and assembled seven of the persons constituting such committee, then and in such case it is hereby declared that no business whatsoever shall be done at such meeting, and the majority of the persons then present shall cause fourteen days notice to be given in the Northampton, Cambridge, Stamford and Lincoln weekly newspapers of the then next ensuing quarterly meeting.

After two years, meetings may be held half-yearly.

V. PROVIDED also, that if at any time after the expiration of two years from the passing of this Act the said committee shall judge it sufficient for the purposes of this Act to meet half-yearly only instead of quarterly, that then the said committee shall not afterwards be obliged to hold their meetings oftener than twice in every year, which meetings shall be holden upon the Monday before Michaelmas-day and the Monday before Easter-day; and the committee at every such half-yearly meeting shall be subject to the like regulations and directions, and shall have the like powers and authorities in all respects, as are in this Act mentioned or contained with respect to the said quarterly meetings, any thing herein-before contained to the contrary hereof notwithstanding.

Three committee men may call a special meeting.

VI. AND be it further enacted, that if at any time it shall appear to any three or more of such committee for the time being that, for the more effectual putting any of the powers granted by this Act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where and the time when such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting seven of the said committee, it shall be lawful for the said committee so present to proceed in the execution of the powers given by this Act to such committee.

New committee men to be chosen in case of death, &c.

VII. AND be it further enacted, that in case any one or more of the said committee for the time being shall die or shall decline business as a manufacturer or manufacturers, or shall go to reside in any county not subject to the regulations of this Act, or shall wilfully absent himself or themselves from the said quarterly meetings for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being at any of their said quarterly meetings, there being seven

of such committee then present, to chuse another or other proper person or persons, being a manufacturer or manufacturers of combing wool, worsted yarn or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

VIII. AND be it further enacted by the authority aforesaid, that if at any time hereafter it shall appear to any sixty or more of the manufacturers of combing wool, worsted yarn or goods made from worsted within the said counties of Bedford, Huntingdon, Northampton, Leicester, Rutland and Lincoln and the Isle of Ely, that the said committee for the time being neglect to discharge their duty to the ends, intents and purposes for which such committee was appointed, and in case such sixty or more of such manufacturers so dissatisfied shall in writing under their hands make complaint thereof to the justices of the peace for the county of Northampton in any of the general or quarter sessions of the peace or in any adjournment thereof for the aforesaid county to be held and assembled, then and in such case it shall be lawful for such justices in such sessions assembled and they are hereby required (if they shall think proper after hearing the nature of such complaint) to call and appoint a general meeting of the manufacturers of combing wool, worsted yarn and goods made from worsted within the aforesaid counties and the Isle of Ely, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting of such manufacturers as aforesaid in the Northampton, Cambridge, Stamford and Lincoln newspapers, setting forth the place where and the time when such general meeting shall be held, the same not being less than twenty-one days after such notice given in the said papers, and which notice shall be continued in the said papers until such meeting shall be held; and it shall be lawful for such manufacturers then present at such general meeting called and held in manner aforesaid to elect, nominate and appoint a committee consisting of the same number of persons, and in the like manner and under and subject to the like orders, regulations and directions as is and are herein-before laid down and ordered for the election of the first committee, and the persons so elected, nominated and appointed to be a new committee in manner aforesaid shall thereupon be invested with the same powers and authorities as the former committee were invested with.

If committee neglect their duty,

justices of Northamptonshire may, on complaint thereof, call a general meeting of manufacturers;

and a new committee may be elected.

IX. AND for preventing frauds and abuses for the future by persons employed in the said manufactures of combing wool, worsted yarn and goods made from worsted, and for the more effectual carrying this Act into execution, be it further enacted, that the justices of the peace for the said counties and the Isle of Ely respectively at their next quarter sessions of the peace to be holden for the said counties and the said Isle of Ely respectively, or any adjournment thereof, after Michaelmas next after the passing of this Act, or in case of no adjournment then any two justices shall and may and they are hereby authorised and required to license and appoint such persons of good character and repute within the aforesaid counties and the Isle of Ely as shall be recommended to the said justices by the said committee of manufacturers in writing under their hands to be inspectors of worsted yarn within the said counties and the Isle of Ely.

Justices to appoint inspectors of yarn.

Committee to station inspectors, and allow them salaries, &c.

X. AND be it further enacted, that the said committee of manufacturers for the time being shall and may and they are hereby authorised to station such inspectors for such districts in the said counties and the Isle of Ely as the said committee shall think proper, and shall and may assign, allow and pay to the said inspectors so appointed such yearly salaries as the said committee shall think proper, to be paid out of the fund herein-after mentioned to be raised for that and the other purposes of this Act, and also shall and may remove, dismiss and displace any of such inspectors who by sickness or any other accident shall be rendered incapable of serving the said office, or shall misbehave or not conduct himself or themselves to the satisfaction of such committee.

Inspectors to use diligence in convicting and bringing offenders to justice, &c.

XI. AND be it further enacted, that the said inspectors for the time being so appointed shall severally and respectively in the several districts allotted to them by the said committee use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former Acts, and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said counties and the Isle of Ely, and also the hanks of worsted yarn, in order to see that the directions herein-after laid down for reeling such yarn be complied with; and also shall and do from time to time, when and as they or any of them shall detect any person or persons offending against this or the said former Acts, lodge informations against such offender or offenders before any justice or justices of the peace for the county or place where such offence shall be committed, and prosecute such offender or offenders to conviction: And it shall be lawful for every such inspector from time to time as occasion shall require to inspect the yarn in the custody of any manufacturer or putter-out of wool, or of any agent or agents hired or employed by him, or of any spinner of such wool or worsted yarn within the said counties and the Isle of Ely, and in case any such person shall refuse to shew and produce the yarn in his custody he shall forfeit and pay such sum of money, not exceeding ten pounds nor less than five pounds if a manufacturer or putter-out of wool or an agent or agents or person or persons hired or employed to put out wool, and if a spinner or spinners then a sum not exceeding twenty shillings nor less than five shillings, as such justice or justices before whom he, she or they shall be convicted shall think proper, to be recovered and applied as herein-after mentioned.

Power to inspect yarn in custody of manufacturer, &c.

Directions how worsted yarn shall be reeled in

Bedfordshire;

XII. AND be it further enacted, that every person or persons employed or undertaking to spin or reel worsted yarn for hire in the said counties and the Isle of Ely shall reel or cause or procure the same to be reeled either upon a yard reel of thirty-six inches or a seven quarter reel of sixty-three inches or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, each and every several hank or skain of such worsted yarn which shall be so reeled shall consist of or contain such a number of raps or leas, each and every of which raps or leas consisting of or containing eighty threads of such worsted yarn, as is herein-after specified; (that is to say,) the worsted yarn spun in the county of Bedford shall be six or seven leas reeled on the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter

or two yard reel, according to the custom of that county ; the worsted yarn spun in the county of Huntingdon shall be six or seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter or two yard reel, according to the custom of that county ; the worsted yarn spun in the county of Northampton shall be six or seven leas to the skain reeled on the yard reel, according to the custom of that county ; the worsted yarn spun in the county of Leicester shall be six or seven leas reeled upon the yard reel, according to the custom of that county ; the worsted yarn spun in the county of Rutland shall be six or seven leas reeled upon the yard reel, according to the custom of that county ; the worsted yarn spun in the county of Lincoln shall be seven leas, reeled upon the yard reel or two yard reel ; and the worsted yarn spun in the Isle of Ely shall be seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter or two yard reel.

Huntingdon-shire ;

Northampton-shire ;

Leicestershire ;  
Rutlandshire ;

Lincolnshire ;

Isle of Ely.

XIII. AND be it further enacted, that all persons employed to put out wool for spinning shall confine themselves either to six or seven lead yarn, but shall by no means put out both from the same place, nor shall any such person or persons take in or have in his possession at one or the same time the wool or yarn belonging to more than one manufacturer ; and that every person or persons who shall put out wool or take in yarn otherwise than as above specified shall pay forty shillings upon conviction of such offence by the oath (or if the witness be of the people called Quakers, solemn affirmation) of one witness, which penalty shall be paid into the hands of the nearest inspector, and shall be levied by warrant under the hand and seal of the justice before whom such offender shall be convicted, for the benefit of the persons interested in the fund herein-after directed to be established ; and that the said committee may and shall give instructions to the spinners or agents employed to put out wool for spinning that every hank or skain shall be the work of one spinner only ; and that if any person shall be suspected of having mixed the work of two or more spinners in one hank, and it shall be made appear before one justice of the peace by the oath (or if the inspector is of the people called Quakers, by the solemn affirmation) of the inspector, that in his opinion the suspected hank or hanks is or are of such different degrees of fineness as will be prejudicial to the said manufacturers, then and in such case it shall be lawful for the said justice to convict the person who shall have delivered in the said hank or hanks of having mixed the same as aforesaid, and such person for every such hank shall forfeit the sum of sixpence ; and if a pound of yarn more or less be wrapt about with a skain of yarn it shall be equal in goodness and contain the same number of leas as the hanks in the pound or pounds are directed to be ; and that the leas be divided in manner following ; (that is to say,) three double leas and a single lea for the seven leas, and three double leas for the six lead yarn : Provided always, that every spinner to whom any wool or yarn shall be put out by any manufacturer who shall keep the same in his or her custody more than four months before it is wrought or delivered back to such manufacturer or his agent shall be deemed guilty of embezzling the same.

General regulations for putting out wool for spinning, &amp;c.

XIV. AND be it further enacted, that if any person or persons hired or employed in the combing of wool, or in the spinning, reeling, winding

Penalties on false reeling of worsted yarn, &amp;c.

or weaving of worsted yarn, or in the preparing or working up any of the materials used in the said manufactures in the said counties or the Isle of Ely, shall reel or cause to be reeled, or tie up or cause to be tied up, any worsted yarn contrary to the directions before specified and laid down for the reeling and tying up such yarn, or shall conceal, keep back, embezzle, sell or otherwise dispose of any wool or other materials intrusted with him, her or them to spin or for other purposes, and shall of all or any of such several offences be lawfully convicted before any one or more justice or justices of the peace for the county, liberty, division, city, town or place where such offence or offences shall be committed, upon the oath (or if the owner thereof be of the people called Quakers, solemn affirmation) of the owner of such yarn or wool, or upon the oath or affirmation as aforesaid of the inspector or inspectors appointed as aforesaid, or of any one or more credible witness or witnesses (which oath or affirmation such justice or justices is and are hereby impowered and required to administer), or by the confession of the person or persons charged with all or any of such offences, every such person shall, for each and every such offence, be subject and liable to the same penalties and punishments as are severally inflicted by the said former Acts, so far as the said former Acts or any of them are unrepealed, all which penalties shall be recovered and punishments inflicted in the manner directed by the said Acts or any of them, and which said penalties shall be publicly distributed by the constable of the township, parish or place where such offence or offences shall be committed, in the presence and under the direction of the said inspector or inspectors, amongst the poor of such township, parish or place.

Prosecutors  
not liable to  
charges of  
conveying  
offenders to  
prison.

XV. PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to the subjecting any prosecutor or prosecutors of any offender or offenders against this and the said former Acts to any charges or expences of conveying such offender or offenders to prison, but such charges and expences shall be paid and borne by the constable or other officer conveying such offender or offenders to prison, and such constable or other officer shall be reimbursed and repaid such charges and expences in like manner as he is reimbursed and repaid any other charges or expences incurred in his said office.

No part of  
penalties to be  
given to  
offenders or  
their families.  
Penalty on  
agents refusing  
to discover  
persons guilty  
of false reeling.

XVI. PROVIDED nevertheless, that no part or share of such penalties or forfeitures be given to such offender or offenders, his, her or their family or families.

XVII. AND be it further enacted, that if any agent or person hired or employed to put out wool to be spun into worsted yarn shall have in his or her custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse or not set forth and give in evidence before any of his Majesty's justices of the peace for the county, liberty, division, city, town or place wherein such agent or person shall reside, being thereto required, what person or persons was or were the reeler or reelers of such false or short yarn, or who was or were hired or employed to reel the same, so that the person or persons who reeled or caused to be reeled such false or short yarn may be lawfully convicted thereof in manner aforesaid, he, she or they so refusing or not setting forth or giving in evidence as aforesaid, and being thereof lawfully



convicted, upon the oath of any person or persons, before any such justice or justices of the peace, shall forfeit and pay the sum of five shillings for every parcel of yarn made up as and for a pound so false and short reeled which shall be found in his or her custody; all which penalties inflicted by this Act shall be recovered in the same manner as the penalties inflicted by the said former Acts are directed to be recovered, and shall go, be paid and applied by every such person, and in such manner and form, to the poor of the township or place, as the penalties herein-before mentioned are directed to be paid and applied.

XVIII. AND forasmuch as doubts have arisen whether the goods and chattels of a husband whose wife shall offend against the said former Acts are liable to distress and sale for raising the penalties thereby created; Be it therefore further enacted, that from and after the passing this Act, all such penalties as shall be incurred by any married woman or married women shall and may be recovered, levied and raised by distress and sale of the goods and chattels of the husband or husbands of such married woman or women so offending against this Act in the manner directed by the said former Acts or any of them.

Goods of husbands whose wives offend liable to distress and sale.

XIX. PROVIDED always, and be it further enacted, that if any person who shall be so appointed an inspector of worsted yarn shall happen to die or shall be removed or displaced from his said office, it shall be lawful for the justices of the peace of the said counties or the Isle of Ely respectively in quarter sessions assembled, or in any adjournment thereof, to license some other proper person or persons to be an inspector or inspectors of worsted yarn within the said counties and the Isle of Ely, upon the recommendation of the committee men, or the majority of them, residing in such county or the Isle of Ely, within which the inspector or inspectors so dying, removed or displaced shall have acted; which said person or persons shall be invested with all the powers, and subject to the like removal and liable to the like penalties for any breach or neglect of duty, as the inspector or inspectors in whose place or places he or they shall be appointed to succeed was or were invested with or subject or liable to.

Upon the death, &c. of inspectors, others to be appointed.

XX. AND be it further enacted, that in case any inspector or inspectors so appointed as aforesaid shall at any time or times hereafter take or receive from any person or persons offending against this or the said former Acts any sum or sums of money or any other thing whatsoever to screen from justice or otherwise to hinder or prevent such person or persons so offending as aforesaid from being convicted for such offence or offences, and being thereof convicted upon oath (or if the witness be of the people called Quakers, solemn affirmation) of two or more credible witnesses before any one or more justice or justices of the peace of the county, liberty, division, city, town or place where such offence shall be committed (which oath or affirmation such justice or justices is and are hereby empowered to administer), then and in such case it shall be lawful for such justice or justices of the peace to commit such inspector or inspectors so offending to the house of correction or other publick prison in the county, division, liberty, city, town or place where such offence shall be committed for the space of one month.

Punishment of inspectors screening offenders from justice.

XXI. AND whereas by several Acts of Parliament made in the tenth and twelfth years of the reign of Queen Anne and several subsequent Acts, the collectors of the

Fund to be established for defraying the

expences of  
the execution  
of this Act.

duties upon soap by the said Acts granted are directed to pay out of the monies in their hands by way of drawback unto any person or persons who should employ any quantity of soap in the making of any manufacture whereof the greatest part of the value of the materials should be wool, or in preparing the wool for the same, the duties upon the soap so spent and consumed as aforesaid; and to the end that a sufficient fund may be raised for defraying the expences in and about obtaining this Act, and for paying the salaries of the inspectors and clerk or clerks to be appointed under and by virtue and for the purposes of this Act as aforesaid, and all other necessary expences attending the carrying this Act into execution, under the direction of the said committee: Be it further enacted, that it shall and may be lawful to and for all and every the collector or collectors, supervisor or supervisors or other person or persons employed in the collection of the duties on soap within the counties aforesaid and the said Isle of Ely, and who by the said Acts are directed to pay such drawback of the duties on soap to such manufacturers as aforesaid, and such collector or collectors, supervisor or supervisors or other person or persons, is and are hereby required, from time to time to deduct and retain the sum of four-pence out of every shilling to which any person, being a master manufacturer of combing wool, worsted yarn or goods made from worsted, residing within the counties aforesaid or the Isle of Ely, shall from time to time hereafter be entitled, and of which he, she or they shall demand payment under or by virtue of the said Acts or any other Act or Acts of Parliament whatsoever, as and for the duties of and for all soap spent, employed and consumed in the combing of wool, making of worsted yarn or any kind of goods made from worsted, or preparing the wool for the same, in the said counties and the Isle of Ely; and such collector or collectors, supervisor or supervisors or other person or persons, and each and every of them, shall severally and respectively pay or cause to be paid into the hands of the treasurer or treasurers appointed by the said committee at their quarterly meeting (demand being made thereof) all and every the sum or sums of money by him, them or any of them so deducted, retained, had or received under and by virtue and for the purposes of this Act, such treasurer or treasurers giving security to the satisfaction of the said committee for all sums so received by him or them. [Rep., Stat. Law Rev. Act, 1861.]

The treasurers  
to repay the  
charges of this  
Act out of  
monies to be  
received.

XXIV. AND be it further enacted, that the said treasurer or treasurers for the time being shall out of the money hereafter to be received by him or them in manner aforesaid pay the charges and expences of obtaining and passing this Act and the expences relative thereto, together with interest for all or any part of such expences, the salaries of the inspectors and clerk herein-before directed to be appointed, the expences of all prosecutions in support of this and the said former Acts, and such other charges and expences as may be hereafter incurred or expended for the support and encouragement of the said manufacture as the said committee in committee assembled shall by writing under their hands direct or appoint; and the said treasurer or treasurers is or are also hereby required not to pay any sum or sums of money to be hereafter received by him or them for the purposes of this Act in manner aforesaid to any person or persons whomsoever or for any purposes whatsoever without such order, direction or appointment in writing under the hands of such committee for the time being in committee assembled; and such treasurer or treasurers shall lay their account before the said committee for examination whenever they may require the same, and shall return and transmit to such committee a true and perfect account of all and every the sum or sums of money which shall have come to his or their hands or been paid by him or them from time to time as often as the said committee shall require the same.

The rate of 4d.  
in the shilling  
may be in-  
creased or  
reduced.

XXV. AND it is hereby further enacted, that in case at any time hereafter the monies herein-before directed and ordered to be paid into the hands of the treasurer or treasurers for the purposes aforesaid shall after payment of all and every the charges and expences herein-before ordered and directed to be

paid thereout amount to the sum of two hundred pounds only, then and in such case it shall be lawful for the said committee by writing under their hands to make orders for increasing the aforesaid four-pence per shilling, which the collectors and supervisors of excise are herein-before directed to retain in their hands, to any sum not exceeding sixpence in the shilling as they may think necessary until the fund shall amount to five hundred pounds, and from time to time upon like application reduce the same to three-pence, two-pence or one penny, so as the fund in the treasurer or treasurers hands shall not exceed five hundred pounds nor be reduced to less than two hundred pounds, and so as the same shall not exceed the rate, proportion or sum of sixpence per shilling herein-before directed to be deducted and retained as aforesaid.

XXVI. AND whereas it is found inconvenient to subject certain machines wherein worsted yarn is spun by means of a water mill to the entrance of an inspector or inspectors: Be it therefore enacted, that all such machines shall be exempted from the several provisions of this Act, and that no order of any of the aforesaid committees shall have power to extend to the drawback allowed on soap used in the washing of wool to be spun in the said machines; provided that all persons possessed of any such machines who shall also give out wool to be spun by hand shall cause the wool intended for spinning by hand to be washed in some place or places different and distant from that whereat they shall wash the wool for any such machine, and shall from time to time exhibit to the collectors or supervisors of his Majesty's excise and to the committee aforesaid, if required, a separate account of the wool washed in each place and intended for each purpose herein mentioned, which account shall be verified upon oath (or if the owner or owners be of the people called Quakers, solemn affirmation) of the owner or owners, conductor or conductors of such machines, which oath or affirmation any justice of the peace is hereby empowered to administer.

Water mill spinning machines not to be subject to the provisions of the Act.

XXVII. PROVIDED always, and be it further enacted, that it shall be lawful for such of the members of the said committee as shall be appointed for or reside within any of the said counties respectively or the said Isle of Ely, or the majority of them, and they are hereby respectively authorised and empowered, from time to time whenever they shall judge necessary, to appoint such number of persons to be additional inspectors within and for their respective counties or the Isle of Ely (the charges and expences attending such appointment to be paid and defrayed out of the money subscribed or to be subscribed as herein-after mentioned), and also to make such regulations and do such acts, matters and things as they shall think proper for carrying the purposes of this Act into execution within and so far only as relates to their respective counties or the said Isle of Ely (except the removing of inspectors to be nominated by the said committee); and all such additional inspectors so to be appointed (being approved of by the justices of the peace for such respective counties or the Isle of Ely, but not otherwise) shall have the same powers and authorities of acting as inspectors within such respective counties or the Isle of Ely, for or in respect of which they shall be appointed, as are herein-before given to the inspectors which shall have been nominated by the said committee in pursuance of this Act; and that all such regulations, acts, matters and things so to be made as aforesaid shall be as valid and effectual as if the same

Members of the committee within each county or the Isle of Ely may appoint additional inspectors and make regulations.

had been made or done by the said committee, until the next quarterly meeting of the said committee, at which quarterly meeting a report shall be made of such regulations, acts, matters and things, and the said committee at such quarterly meeting shall and are hereby required to take such report into consideration, and to allow and confirm or disallow and set aside or to vary and alter such report, and the several regulations, acts, matters and things therein mentioned or any part or parts thereof, in such manner as they shall think proper, anything in this Act to the contrary hereof notwithstanding: Provided that nothing herein contained shall extend or be construed to extend to the appointment of any additional inspectors or to any regulation, act, matter or thing to be made by such members of the said committee as shall be appointed for any of the said counties respectively or the said Isle of Ely, or the majority of them, in respect to the management of the private subscription fund within any such county or the Isle of Ely as herein-after mentioned.

Application of  
money sub-  
scribed by  
persons not  
being manu-  
facturers.

XXVIII. AND whereas some persons who are not manufacturers of combing wool, worsted yarn and goods made from worsted may have already subscribed or may hereafter subscribe money for encouraging the said manufacture within their respective counties or within the said Isle of Ely: Be it therefore enacted, that all money which hath been or shall hereafter be subscribed by any person or persons not being a manufacturer or manufacturers as aforesaid, for or towards encouraging the said manufacture within any of the said counties or the said Isle of Ely, shall be paid to such person as shall be appointed to receive the same by such of the members of the said committee as shall be appointed for or reside within such county or the said Isle of Ely; and it shall be lawful for such members of the said committee so acting for or residing within such county or the Isle of Ely, and they are hereby authorised and impowered, to apply and dispose of such money in paying and making proper salaries or allowances to any additional inspectors whom they may think fit to appoint as aforesaid for such county or the Isle of Ely, and for encouraging the said manufacture within such county or the said Isle of Ely, in such manner as they shall from time to time think proper, and to or for no other use or purpose whatsoever, any thing herein-before contained to the contrary hereof notwithstanding.

Justices for  
southern divi-  
sion of Lindsey  
to act for  
Lincolnshire.

XXIX. AND whereas the county of Lincoln consists of three several parts or divisions; (videlicet,) Lindsey, Holland and Kesteven: Be it therefore enacted, that the several powers vested in and by this Act in the justices of the peace for the respective counties included in this Act shall be construed and taken, as to the said county of Lincoln and the city and county of the city of Lincoln, to be vested in the justices of the peace for the southern division of the parts of Lindsey within the said county.

XXX. AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the conviction to be made out in manner and form following; (that is to say,)

Form of  
conviction.

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_ A.B. is convicted before me  
[or us] \_\_\_\_\_ of his Majesty's justices of the peace for  
[specifying the offence and the place where the same was committed; and also

specifying that it was the first, second, or third offence against this Act, as the case shall be].

Given under my hand and seal [or our hands and seals] the day and year aforesaid.

Which conviction the said justice or justices shall cause to be fairly written on parchment and returned to the next general quarter sessions of the peace for the county, city, liberty, division, town or place where such conviction shall be made, to be filed by the clerk of the peace and remain and be kept amongst the records of such county, city, liberty, division, town or place as aforesaid.

XXXI. AND be it further enacted, that if any person or persons shall find him, her or themselves aggrieved by any order or warrant made by any justice or justices of the peace or upon any conviction before him or them in pursuance of this Act, such person or persons may appeal to the next general quarter sessions to be held for the county, division, city, liberty, town or place where the offence shall be committed, which shall not be held within fourteen days after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or disannul the order or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order therein shall be final.

Persons aggrieved may appeal to the quarter sessions.

Costs of appeal.

XXXII. PROVIDED nevertheless, that the person or persons appealing to such quarter sessions of the peace as aforesaid shall give security to the satisfaction of the said justice or justices to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said quarter sessions in case such order or judgement be affirmed; and the justices in the said quarter sessions are hereby authorised to hear and determine such appeal and to make such order therein and to award such costs as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable by any writ of certiorari or otherwise into any of his Majesty's courts of record at Westminster or elsewhere.

Persons appealing to give security to prosecute, &c.

Order of justices to be final.

XXXIII. PROVIDED nevertheless, and be it further enacted, that no order or other proceedings so made or had by or before any justice or justices of the peace in relation to the premises shall be quashed or vacated for want of form only.

Proceedings not to be quashed for want of form.

XXXIV. [¶] AND be it further enacted, that if any suit or action shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this Act, every such suit or action shall be commenced within six calendar months next after the fact committed and not afterwards, and shall be severally laid, brought and tried in the county or place wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such suit or action shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority

Limitation of actions.

General issue.

[¶ So much as relates to limitation of actions, pleading of general issue and treble costs, rep., Stat. Law Rev. Act, 1861.]

- of this Act; and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law.
- Treble costs.**
- City of Lincoln to be deemed part of the county.** XXXV. AND be it further enacted, that the city and county of the city of Lincoln shall, for the purposes of this Act only, be deemed and taken to be part of the county of Lincoln, and to be within the parts of Lindsey in the said county.
- Publick Act.** XXXVI. AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

## CHAPTER XLVIII.

AN ACT for granting to his Majesty certain Stamp-duties on Licences to be taken out by Persons using or exercising the trade or business of a Pawnbroker.

- Preamble.** Most gracious Sovereign,  
WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have resolved to give and grant unto your Majesty the duties herein-after mentioned, and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of July one thousand seven hundred and eighty-five there shall be raised, levied, collected, and paid throughout the kingdom of Great Britain unto and for the use of his Majesty, his heirs and successors, the rates and duties following; (that is to say,) all persons using or exercising the trade or business of a pawnbroker in Great Britain shall annually take out a licence for that purpose in manner herein-after prescribed [Rep., Stat. Law Rev. Act, 1871.] : . . . . .

- Who shall be deemed pawnbrokers.** V. AND be it further enacted, that all persons who shall receive or take by way of pawn, pledge or exchange of or from any person or persons whomsoever any goods or chattels for the repayment of money lent thereon shall respectively be deemed pawnbrokers within the intent and meaning of this Act, and shall take out a licence for the same accordingly.

- Not to extend to persons who lend money at or under 5 per cent.** VI. PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to any person or persons who shall lend money upon pawn or pledge at or under the rate of five pounds per centum per annum interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatever.

- Not to keep more than one shop by virtue of one licence.** VII. AND be it further enacted, that no pawnbroker or other person receiving or taking, by way of pawn, pledge or exchange, any goods or chattels for the repayment of money lent thereon, licensed or to be licensed by authority

of this Act, shall, by virtue of one licence, keep more than one house, shop or other place for taking in goods or chattels to pawn, but for each and every house, shop or other place which any person shall keep for the purposes aforesaid a separate and distinct licence shall be taken out and paid for by such pawnbroker or other person.

VIII. PROVIDED always, that persons in partnership and carrying on the trade and business of a pawnbroker in one house, shop or tenement only, shall not be obliged to take out more than one licence in any one year for the carrying on such trade or business.

Persons in partnership need take out only one licence.

\* \* \* \* \*

#### CHAPTER LXIV.

AN ACT for altering and amending an Act made in the last Session of Parliament, intituled "An Act for granting to his Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver wrought Plate made in Great Britain."

WHEREAS by an Act made in the twenty-fourth year of the reign of his present Majesty, intituled "An Act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain," after reciting that gold and silver wares when sent to be marked and assayed were sent in so rude and rough a state that the same in the finishing were greatly lessened in weight, it was enacted that the person appointed by the several companies or assay offices to take and receive the monies and duties directed by the said Act should, where such plate was sent to be marked and assayed in the same rude and rough state as theretofore had been usual, make a deduction of one fifth from the weight and an allowance of one fifth part of the duty imposed by the said Act to the person or persons bringing the same: And whereas doubts have arisen upon the construction of the words "rude and rough state as theretofore had been usual," the manufacturers having been accustomed, time immemorial, to send in their work in various states to the assay offices to be marked and assayed, and great inconveniencies and disputes frequently arise between the manufacturers and assay officers on the construction of the said words: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of July one thousand seven hundred and eighty-five, the person appointed by the said companies or assay offices to take and receive the monies and duties directed by the said Act, where such plate is sent to be marked in any unfinished state, so that a diminution in the weight thereof must necessarily remain to be made by the worker or manufacturer thereof before the same shall be finished, shall, in respect of such diminution as aforesaid, make a deduction of one sixth part from the weight and an allowance of one sixth part of the duty imposed by the said Act to the person or persons bringing the same, instead of one fifth part as by the said recited Act is directed, and shall, at the bottom of the

Preamble.

Recital of  
24 Geo. 3.  
sess. 2. c. 53.  
s. 7.

From July 24, 1785, the person appointed to receive the duties payable for marking of plate may make an allowance of 1-6th part of the duty for all plate brought in an unfinished state.

note or memorandum by the said Act directed to be kept and filed, express the deduction from the weight and the allowance of the duty accordingly, as in and by the said Act was directed.

24 Geo. 3.  
sess. 2. c. 53.  
ss. 11, 12.  
recited

II. AND whereas by the said recited Act it was also enacted, that in case any person or persons whatsoever should at any time or times after the first day of December one thousand seven hundred and eighty-four, during the continuance of the duties by the said Act imposed upon wrought plate or manufactures of gold and silver, export by way of merchandize for any foreign parts any plate of gold or silver, wrought or manufactured in this kingdom, which by the said Act is charged or chargeable with the respective duties of eight shillings per ounce and sixpence per ounce, and the same should appear to have been made and marked as aforesaid after the first day of December one thousand seven hundred and eighty-four, and the duty thereby directed should have been paid thereon, and should give sufficient security before the shipping thereof for exportation that the particular quantities of such plate or manufactures of gold and silver intended to be exported as aforesaid, and every part thereof, should not be relanded or brought again into Great Britain, and should make proof upon oath that the same gold or silver plate or manufactures were actually made and marked as aforesaid after the said first day of December one thousand seven hundred and eighty-four, and should also produce or deliver to such customer or collector a certificate under the hand of the person to whom such wrought plate or manufactures of gold and silver were consigned certifying that the same had been received, and mentioning the weight and particular species of plate so consigned and received, the name of the person consigning the same, the name of the vessel, and the name of the captain commanding such vessel, and the port of Great Britain from which the said vessel was cleared, and the port to which such vessel was bound, and should also where the drawback should amount to five pounds and upwards authenticate such certificate by notarial act in writing, and where the same could not be done by a notarial act then the same should be authenticated under the hand and seal of the chief magistrate of the city, town or place where such wrought plate or manufacture of gold and silver should be received, that then the said customer or collector should give to the exporter thereof a debenture expressing the true kinds and quantities of such plate and manufactures of gold or silver so exported or shipped to be exported, and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty on plate, upon the said debenture so certified being produced to him, should forthwith pay a drawback or allowance after the rate of eight shillings for every ounce troy on gold, and sixpence for every ounce troy on silver plate or manufacture, out of the money in his hands, in the manner in the said Act particularly mentioned and set forth: And whereas the great delay in withholding the drawback, in cases where such plate or manufacture of gold and silver is wanted to be exported to the East and West Indies and to other distant parts, until the certificate directed in the said recited clause can be procured from the persons to whom such wrought plate is consigned, tends greatly to impede the exportation of gold and silver manufactured plate to foreign parts, and is very injurious to the manufacturers thereof: And whereas by the said recited Act it was also further enacted, that all wrought gold and silver plate which should be intended to be exported from this kingdom into any foreign parts should before the same was shipped be brought to the assay office, and should there be stamped with the figure of a Britannia, in order to denote that such plate was intended for exportation, and to be allowed the drawback thereon: And whereas the striking the Britannia mark on many articles of wrought gold and silver plate in their finished state can in no way be practised without doing material damage to such wrought plate: Be it therefore enacted, that from and after the twenty-fourth day of July one thousand seven hundred and eighty-five the said two last recited clauses in the said Act contained and each of them shall be and the same are hereby respectively repealed. [Rep., Stat. Law Rev. Act, 1871.]

and repealed.

Drawback of  
duty on gold  
and silver plate  
exported, on  
security given  
for exportation, &c.

III. AND in order to prevent any injury to the manufacturers of gold and silver plate, and for the better encouragement of the exportation thereof, be it enacted, that in case any person or persons whatsoever shall, at any time or times after the twenty-fourth day of July one thousand seven hundred and eighty-five, during the continuance of the duties by the said recited Act imposed upon wrought plate or manufactures of gold and silver exported by



way of merchandize for any foreign parts any plate of gold or silver wrought or manufactured in this kingdom which by the said recited Act is charged or chargeable with the said respective duties of eight shillings per ounce and sixpence per ounce, and the same shall appear to have been made or marked as aforesaid after the said first day of December one thousand seven hundred and eighty-four, and the duties thereby directed shall have been paid thereon, and shall give sufficient security before the shipping thereof for exportation that the particular quantities of such plate or manufactures of gold or silver intended to be exported as aforesaid, and every part thereof, shall not be re-landed or brought again into Great Britain, and shall make proof upon oath that the same gold or silver plate or manufactures were actually made or marked as aforesaid after the time in the said recited Act mentioned, which security shall be taken in the King's name and to his use, and the oath or oaths administered by the customer or collector of the respective port of such exportation without fee or reward, that then and in every such case and without the production of any such certificate or notarial or other act in writing, as in the said Act is mentioned, the said customer or collector shall give to the exporter thereof a debenture expressing the true kinds and quantities of such plate and manufactures of gold or silver so exported or shipped to be exported; and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty upon plate, at the several assay offices where the same were marked and assayed, shall, upon the said debenture so certified being produced to him, forthwith pay a drawback or allowance after the rate of eight shillings per ounce troy and proportionably for any greater or less quantity of such plate or manufacture of gold, and after the rate of sixpence for every ounce troy and proportionably for every greater or less quantity of such plate or manufacture of silver, out of the money of the said duties on plate or manufactures of gold and silver then in the hands of the said receiver or collector, without fee or reward; and if the said collector or receiver shall not have money in his hands to pay any such debenture, then the receiver general of the stamp-duties for the time being is hereby required to pay or cause to be paid the said debenture out of the duties arising by this Act, any thing herein contained to the contrary notwithstanding.

IV. AND be it further enacted, that the exporters of gold and silver watches shall mark or engrave in the inside of every case or box of each watch inclosing the works thereof the same numbers and figures which shall be respectively marked or engraved on the works of the watch which shall be inclosed in such case or box. [Rep., Stat. Law Rev. Act, 1871.]

Gold and silver watches, how to be marked.

V. AND, the better to prevent the fraudulent relanding of any plate in this kingdom, after the drawback has been paid and allowed for the same, it is hereby further enacted by the authority aforesaid, that all securities and bonds required to be taken as aforesaid shall continue and remain in force until every such exporter of any wrought plate or manufactures of gold and silver shall produce and deliver to such customer or collector the bill of lading thereof, and which shall have at the foot the receipt of the master of the vessel on board of which the said plate or manufactures were shipped, and also a receipt or certificate on the back of such bill of lading, under the hand of the person to whom such wrought plate or manufactures of gold and silver were consigned, certifying or acknowledging that the same have been

Security to remain in force until production of bill of lading with receipt of consignee of exported goods, &c.

received, and mentioning in such receipt or certificate the true kinds and quantities of plate so consigned and received, and the name of the person consigning the same, and also, if such plate shall consist of watches, the numbers or figures marked or engraved in the inside of the case or box of each such watch, that then such securities and bonds shall and may be delivered up and cancelled.

Security to be cancelled upon the loss of the vessel carrying such exported goods.

VI. PROVIDED always, and be it further enacted, that where the ship or vessel on board of which such plate or manufactures of gold and silver or watches were shipped shall be lost, or shall not within the space of three years return to any port in Great Britain, upon due proof thereof being made to the customer or collector at the port at which the said drawback was received and the said bonds given, the said customer or collector shall deliver up to such exporters their securities and bonds so given by them, in order that the same may be cancelled, if no fraud therein shall in the mean time have appeared or no prosecution thereon shall have been commenced.

## CHAPTER LXXVII.

AN ACT to amend so much of an Act passed in the Fourteenth Year of the Reign of his present Majesty, for the further and better Regulation of Buildings and Party Walls and for the more effectually preventing Mischiefs by Fire within the Cities of London and Westminster and the Liberties thereof and other the Places therein mentioned, as relates to Manufactories of Turpentine; for extending the Provisions of the said Act, so amended, to Manufactories of Pitch, Tar and Turpentine, throughout that Part of Great Britain called England; and for indemnifying the Proprietor of a Turpentine Manufactory in Potter's Fields in the Borough of Southwark against the Penalties he may be liable to under the said Act, and for excepting for a limited Time his said Manufactory from the Provisions herein contained.

Preamble.

Recital of  
14 Geo. 3. c. 78.

WHEREAS by a clause in an Act passed in the fourteenth year of the reign of his present Majesty King George the Third, intituled "An Act for the further and better regulation of buildings and party walls and for the more effectually preventing mischiefs by fire within the cities of London and Westminster and the liberties thereof and other the parishes, precincts and places within the weekly bills of mortality, the parishes of Saint Mary-le-bon, Paddington, Saint Pancras and Saint Luke at Chelsea in the county of Middlesex, and for indemnifying under certain conditions builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law," it is enacted, that turpentine shall not be distilled or boiled, nor oil of turpentine and rosin drawn by distilling turpentine, nor oil and turpentine be boiled together in a larger quantity than ten gallons, within the limits aforesaid, in any workhouse or place contiguous to any other building or in any place nearer to any other building than the distance of fifty feet at the least, under the penalties therein mentioned: And whereas the said distance of fifty feet is too small for the effectually preventing of accidents

by fire from such manufactories, and it is proper that the same should be enlarged and that the provision of the said clause so altered should be extended to manufactories of pitch and tar and turpentine throughout the kingdom: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the provision in the said recited Act respecting the making of turpentine shall be and the same is hereby repealed; and that from and after the first day of August one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons within that part of Great Britain called England to distil or boil any turpentine or tar, or to draw any oil of turpentine and rosin by distilling turpentine, or to draw any oil of tar or pitch by distilling or boiling tar, or to boil any oil and turpentine together, or to boil any oil and tar together, above the quantity of ten gallons at one time of all or any of the said commodities, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of seventy-five feet at the least (except in houses or buildings now in use for carrying on such manufactories and now legally intitled to be used for those purposes), upon pain that every person offending therein shall for every such offence forfeit and pay the sum of one hundred pounds, which forfeitures shall and may be recovered with treble costs of suit [Rep., 5 & 6 Vict. c. 97. s. 2.] by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, wherein no essoin, protection or wager of law or more than one imparlance shall be allowed, one moiety whereof shall go to the use of the poor of the parish, precinct or place wherein the offence shall have been committed, and the other moiety thereof to such persons as shall sue for the same.

From Aug. 1, 1785, no turpentine, &c. shall be boiled or distilled within 75 feet of any other building;

on penalty of 100l.

II. PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to prevent shipwrights, barge-builders, boat-builders or mast-makers, or other persons employed in building or repairing ships, barges, boats or other vessels, from boiling or mixing oil and other materials for the purpose of paying ships, barges, boats or masts.

Exception in favour of shipwrights, &c.

\* \* \* \* \*

V. AND be it further enacted, that no action or prosecution shall be brought or commenced against any person or persons for any penalty inflicted or to be incurred by virtue of this Act unless the same shall be commenced within six calendar months next after such penalty shall have been incurred.

Limitation of actions.

VI. AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

Publick Act.

## CHAPTER LXXXIV.

AN ACT to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within England and Wales and for Berwick upon Tweed ; and also for removing Difficulties which may arise for want of Returns being made of Members to serve in Parliament.

Preamble.

FOR the better regulation of polls and scrutinies, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from after the first day of August one thousand seven hundred and eighty-five, every poll which shall be demanded at any election for a member or members to serve in Parliament for any county, city, borough or other place within England, Wales or for the town of Berwick upon Tweed, shall commence on the day upon which the same shall be demanded, or upon the next day at furthest, (unless it shall happen to be a Sunday, and then on the day after), and shall be duly and regularly proceeded in from day to day (Sundays excepted) until the same be finished, . . . . . and the returning officer or officers at every such election shall, immediately or on the day next after the final close of the poll, truly, fairly and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, . . . . .

From Aug. 1, 1785, every poll must commence at the latest the day after it is demanded, unless it be Sunday.

Return to be made at the close of the poll, or the day after.

Poll to be kept open seven hours daily.

III. AND in order that electors may have full time and opportunity to poll, be it enacted, that all and every returning officer and officers, unless prevented by any unavoidable accident, shall, during the continuance of the poll, on every day subsequent to the commencement of the same, cause the said poll to be kept open for seven hours at the least in each day, between the hours of eight in the morning and eight at night.

Within two days after receipt of the writ for the election of a knight of the shire, proclamation to be made of the election, which must begin between the 10th and 16th day after proclamation.

IV. AND whereas inconveniencies may arise from the time allowed by the laws now in being for proceeding to an election of a knight or knights to serve in Parliament for any county or shire in England or Wales: Be it enacted, that immediately after the receipt of the writ for making any such election, and indorsing on the back thereof the day of receiving the same, as by law required, it shall and may be lawful for the sheriff of such county or shire, and he is hereby required, within two days after the receipt thereof to cause proclamation to be made at the place where the ensuing election ought by law to be holden, of a special county court to be there holden for the purpose of such election only, on any day, Sunday excepted, not later from the day of making such proclamation than the sixteenth day nor sooner than the tenth day ; and that he shall proceed in such election at such special county court in the same manner as if the said election was to be held at a county court or at an adjourned county court, according to the laws now in being : Provided always, that the usual county court for all other purposes or any adjournment made thereof shall take place, be held and proceeded in by the sheriff or his deputy, and may from time to time be further adjourned and proceeded in, in such and the same manner and at the same times and

places as if the writ for the election of a knight or knights of the shire had not been received.

\* \* \* \* \*

VII. AND whereas it is expedient that all persons employed as poll clerks at elections should take an oath for the faithful discharge of their office, but the same is not at present required or authorised by law, except in counties and other places for which there are express provisions made by statute: Be it therefore further enacted, that from and after the said first day of August one thousand seven hundred and eighty-five, at every election of any member or members of Parliament for any city, borough or other place within England or Wales or town of Berwick upon Tweed, every person whom the returning officer or officers shall retain to act as a clerk in taking the poll shall before beginning to take such poll be sworn by such returning officer or officers truly and indifferently to take the said poll, and to set down the name of each voter and his addition, profession or trade, and the place of his abode and for whom he shall poll; and to poll no person who is not sworn or put to his affirmation, where by this or any other statute any oath or affirmation now is or hereafter shall be required, which oath of every such poll clerk the said returning officer or officers is or are hereby authorised and required to administer.

Poll clerks in boroughs, &c. to take an oath for the faithful discharge of their duty.

VIII. AND be it further enacted, that if any person in taking any oath or affirmation herein-before appointed or authorised to be taken before any returning officer or officers shall thereby commit wilful perjury and be thereof convicted, or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he or she so offending shall incur such pains and penalties as are inflicted in and by two Acts of Parliament, the one made in the fifth year of the reign of the late Queen Elizabeth (intituled An Act for punishment of such person as shall procure or commit any wilful perjury), the other made in the second year of his late Majesty King George the Second (intituled An Act for the more effectual preventing and further punishment of forgery, perjury and subornation of perjury, and to make it felony to steal bonds, notes or other securities for payment of money), for any perjury or subornation of perjury contrary to the said Acts.

Persons taking or suborning others to take a false oath liable to the pains inflicted by 5 Eliz. c. 9., and 2 Geo. 2. [c. 25.]

\* \* \* \* \*

XIII. AND be it enacted, that if any sheriff or other returning officer or officers who shall preside at any election of a member or members to serve in Parliament for any county, city, borough or place shall wilfully offend against or act contrary to the true intent and meaning of this Act, every such person shall be liable to be prosecuted by information or indictment in his Majesty's Court of King's Bench, or at any court of oyer and terminer, great sessions or gaol delivery for the county, city, town or place where such offence shall be committed, in which no nolle prosequi or cesset processus shall be granted, any law, custom or usage to the contrary notwithstanding.

Returning officers liable to prosecution for offences against this Act.

\* \* \* \* \*

XV. PROVIDED always, and be it further enacted, that every indictment, information or action for any offence against this Act shall be found, filed or

Actions to be commenced within one year

after the  
offence, or six  
months after  
conclusion of  
proceedings in  
the House of  
Commons.

commenced within one year after commission of the fact on which such indictment, information or action shall be grounded, or within six months after the conclusion of any proceedings in the House of Commons relating to such election.

\* \* \* \* \*

## 26 GEORGE III. A.D. 1786.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
A.D. 1784,  
IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTY-FOURTH DAY OF JANUARY, A.D. 1786,  
BEING THE THIRD SESSION OF THE SIXTEENTH PARLIAMENT OF  
GREAT BRITAIN.

### CHAPTER XXXI.

AN ACT for vesting certain Sums in Commissioners at the end of every Quarter of a Year, to be by them applied to the Reduction of the National Debt.

Most gracious Sovereign,

Preamble.

WHEREAS by several Acts of Parliament heretofore made and passed it was enacted, that all the monies which at the end of any quarter of a year should or might arise from the respective surplusses, excesses and overplus monies of the several publick funds in the said Acts described should be appropriated, reserved and employed as a sinking fund to and for discharging the principal and interest of the national debts and incumbrances, and to or for no other use, intent or purpose whatever: And whereas for the want of sufficient provisions for the constant application of the said monies according to the true intent of the said Acts the good purposes thereof have not been fulfilled: And whereas by the great increase of the national debt it is now become necessary to establish a permanent plan for the reduction of the same: We, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in Parliament assembled, being desirous of making a lasting provision for the maintenance of the publick credit, do most humbly pray your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that at the end of the two quarters of a year which will end on the fifth day of July and the tenth day of October respectively in the year one thousand seven hundred and eighty-six, and at the end of every quarter of a year ending the fifth day of January, the fifth day of April, the fifth day of July and the tenth day of October respectively in every succeeding year, there shall be issued or set apart at his Majesty's receipt of Exchequer pursuant to the several Acts in that behalf made and provided, out of the surplusses, excesses and overplus monies composing the aforesaid sinking fund, a sufficient sum to make good to the day on which such quarter shall end all such interests or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund, and that after such sum shall have been so issued or set apart there shall then be farther set apart in the said receipt of Exchequer out of the surplusses, excesses and overplus monies composing the said sinking fund a sum of two hundred and fifty thousand pounds, or such part thereof as the said surplusses, excesses and overplus monies then remaining in the said receipt of Exchequer shall be sufficient to satisfy. [Rep., Stat. Law Rev. Act, 1871.]

\* \* \* \* \*

250,000*l.* to be  
set apart quar-  
terly out of the  
surplusses of  
the sinking  
fund, &c.

V. AND be it further enacted by the authority aforesaid, that the monies so set apart at the end of any quarter of a year ending as aforesaid or of any year computed as aforesaid, either for the payment of the sum of two hundred and fifty thousand pounds due at the end of such quarter or of any part thereof, or for making good such deficiency or deficiencies as aforesaid, shall forthwith be issued and paid to the governor and company of the Bank of England, and shall by them be placed to an account to be raised in their books, and to be intituled "The Accompt of the Commissioners appointed by " Act of Parliament for applying certain Sums of Money annually to the Reduction of " the National Debt ;" and that as well all such monies as any other monies which shall be paid to the governor and company of the Bank of England by virtue of this Act, to be placed to the said account, shall be applied by the commissioners herein-after appointed towards the reduction of the national debt, in the manner herein-after directed, and to no other intent or purpose and in no other manner whatever. [Rep., Stat. Law Rev. Act, 1871.]

The monies set apart quarterly to be paid into the Bank,

and to be applied in reducing the national debt.

X. AND be it further enacted by the authority aforesaid, that all monies whatever which shall be placed from time to time to the account of the said commissioners by virtue of this Act shall be applied by them either in payments for the redemption of such redeemable publick annuities as shall be at or above par, in such manner and at such periods as shall be directed by any future Act or Acts of Parliament, or to the purchase of any publick annuities below par in the manner herein-after directed. [Rep., Stat. Law Rev. Act, 1871.]

Monies placed to the account of the commissioners to be applied in redemption of annuities at or above par, &c.

XIV. AND be it further enacted by the authority aforesaid, that the speaker of the House of Commons, the chancellor of his Majesty's Exchequer, the master of the rolls, the accountant general of the Court of Chancery and the governor and deputy governor of the Bank of England for the time being respectively shall be commissioners for carrying into execution the purposes of this Act ; . . . . .

Who shall be commissioners.

XV. AND be it further enacted by the authority aforesaid, that the said commissioners shall be and they are hereby authorised to appoint and employ such clerks and other officers as shall be necessary, and that all proceedings whatever to be had by or before the said commissioners shall be entered in proper books.

Commissioners may employ clerks, &c.

XVI. AND be it further enacted by the authority aforesaid, that the order of the said commissioners shall at any time be a sufficient authority to the governor and company of the Bank of England for issuing and paying any part of the money to be vested in the said commissioners in the manner herein directed ; and such person or persons as shall from time to time be nominated and appointed by the said commissioners to make the purchases of publick debts and annuities on the account of the said commissioners, for the use of the publick and for the purposes of this Act, is and are hereby authorised and enabled to accept the transfer of any stock or annuities to be purchased in the manner herein-before directed, and to make the payments for the same to the persons from whom the same shall be purchased, and to give or accept all the necessary receipts and acquittances on the part of the said commissioners ; provided always, that such nomination and appointment shall from time to time be notified to the governor and company of the Bank of England under the hands of the said commissioners.

The Bank to pay such money vested in the commissioners as shall be ordered by them, &c.

## CHAPTER XL.

AN ACT for regulating the Production of Manifests, and for more effectually preventing fraudulent Practices in obtaining Bounties and Drawbacks, and in the clandestine Relanding of Goods.

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Debentures on exportation of goods entitled to drawback or bounty to be made out in the names of the real owners.

Proviso where person other than owner is entitled to drawback.

Companies trading by a joint stock and proprietors of land in the colonies, &c. may employ agent, &c.

Agent to testify to name of proprietor, &c.

XVIII. AND be it further enacted by the authority aforesaid, that no entry shall pass nor any debenture be made out upon exportation to foreign parts from Great Britain of any goods whatever which are entitled either to drawback or bounty upon exportation, but in the name of the real owner or owners or proprietor or proprietors of the goods, if they or any of them are resident in Great Britain; and that before such owner or owners or proprietor or proprietors shall receive the drawback or bounty or any allowance to which such goods may be entitled, or any part thereof, one or more of them, and not any broker or agent on his or their behalf, shall upon the debenture verify by oath his or their so being the real owner or owners or proprietor or proprietors of such goods, and also that the goods are really and bona fide exported to foreign parts, and have not been relanded in Great Britain, any law, custom or usage to the contrary notwithstanding: Provided always, that such real owner or owners or proprietor or proprietors of such goods, if he or they shall not have purchased or obtained a right to or property in the drawback to which such goods are intitled, shall and is and are hereby required, at the time such goods are entered for exportation, to acknowledge in writing under his or their hands upon the entry the person or persons who is or are intitled to such drawback, and such person or persons shall, after the requisites of this Act are fully complied with, receive such drawback, and the receipt of such person or persons upon the debenture shall be an acquittal and discharge for such drawback: Provided nevertheless, that nothing in this Act shall extend or be construed to extend to hinder or prevent the agent of any corporation or company trading by a joint stock from making oath in the manner now by law allowed, to entitle such corporation or company to obtain any drawback or allowance upon the exportation of goods from Great Britain, nor to hinder or prevent any proprietor or proprietors of lands in any of his Majesty's colonies or plantations, nor any person or persons whatever, from exporting from any place other than that at which he or they reside, if such person or persons shall reside at a greater distance than twenty miles from such place, any goods or commodities whatever, nor any person or persons whatever from exporting from any place other than that at which he or they reside any goods whatsoever of British manufacture (being the property of such person or persons), by and in the name of an agent, and such agent is hereby authorised to do and perform every act and thing to entitle the real proprietor or proprietors of the goods to all and every bounty, drawback or allowance due by law upon the exportation of such goods, and to recover the same in as full and ample manner as if the real proprietor or proprietors was or were to act therein; provided such agent shall testify upon oath, on the back of the debenture, over and besides what is already by law required to be testified upon oath, before the collector or comptroller or other chief officer of the customs (who is and are hereby authorised to administer the same), the name or names of



the real proprietor or proprietors of the goods and his or their known place of abode, and shall, if required by the said collector or comptroller or other chief officer, give good and sufficient reason for his knowledge of the place to which the goods are intended to be exported.

XIX. PROVIDED always, and it is hereby further enacted by the authority aforesaid, that from and after the twenty-ninth day of September one thousand seven hundred and eighty-six no bounty or premium shall be paid or allowed for or upon any goods whatsoever exported from this kingdom to Ireland, and that no drawback, bounty or premium shall be paid or allowed for or upon any goods whatever exported from this kingdom to the islands of Guernsey or Jersey, nor any debenture made out for such drawback, bounty or premium, until a certificate shall be produced under the hands and seals of the collector, comptroller and surveyor of the customs, or any two of them, belonging to such port in Ireland, or from the register of certificates or other chief officer of the customs in the said islands of Guernsey or Jersey, as such goods shall have been respectively landed at, certifying that the goods have been duly landed there, any law, custom or usage to the contrary notwithstanding.

From Sept. 29, 1786, no bounty, &c. to be paid for goods exported to Ireland, Guernsey, &c. without a certificate of the landing of the goods there.

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## CHAPTER LVII.

AN ACT for the further Regulation of the Trial of Persons accused of certain Offences committed in the East Indies ; for repealing so much of an Act made in the Twenty-fourth Year of the Reign of his present Majesty (intituled An Act for the better Regulation and Management of the Affairs of the East India Company and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies) as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects ; for rendering the Laws more effectual against Persons unlawfully resorting to the East Indies ; and for the more easy Proof, in certain Cases, of Deeds and Writings executed in Great Britain or India.

WHEREAS by an Act made in the twenty-fourth year of his Majesty's reign, intituled " An Act for the better regulation and management of " the affairs of the East India Company and of the British possessions in " India, and for establishing a Court of Judicature for the more speedy and " effectual trial of persons accused of offences committed in the East Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion and other misdemeanors committed in the East Indies by British subjects in the service of his Majesty or of the said company, and particularly for constituting a special court of judicature for the trial of any information to be exhibited in his Majesty's Court of King's Bench against such offenders, under and by virtue of a commission to be awarded under the great seal of Great Britain, directed to four members of the House of Peers, six members of the House of Commons, and three of the judges of his Majesty's courts of

Preamble.  
Recital of Act  
24 Geo. 3.  
sess. 2. c. 25.

law at Westminster, such members and judges to be selected and chosen in the manner prescribed by the said Act ; and the said special commissioners to be so constituted by such commission, or any seven or more of them (of whom one of the said three judges was to be one), were by the said Act invested with full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement at common law upon convictions had and obtained according to the course of the common law for extortion or other misdemeanor : And whereas the selection of the members of the said respective Houses of Parliament for the purposes aforesaid may be rendered more easy and convenient : And whereas it is judged expedient that instead of seven not less than ten commissioners to be constituted by such commission as aforesaid should have authority to hear and determine any such information, and for that purpose that a greater number of members of each House of Parliament than is directed by the said Act should, together with the said three judges, be named and authorised as commissioners in and by such commission : And whereas it is also expedient that for giving greater vigour and efficacy to the proceedings and judgements of the said special commissioners further regulations should be provided and established : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the members of the House of Lords by the said Act directed to be named by the said house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following and no otherwise, any thing in the said recited Act contained to the contrary notwithstanding ; (that is to say,) that within the first thirty sitting days of the House of Lords in every future session of Parliament the members of the said house or any of them may respectively deliver in at the table lists inclosed in covers sealed up, and having the words "East India Judicature" and their respective names or titles of honour by which they are generally known and distinguished indorsed on the outside thereof in their respective proper hand writing, every such list containing the names or titles of twenty-six peers ; and that on the first sitting day after the expiration of the said thirty days the clerk of the Parliaments or his deputy or assistant, or such other person as the said house shall direct, shall prepare and lay upon the table of the said house a list of the names or titles of the lords who shall within the said thirty days have delivered such lists ; and that on the next sitting day of the said house the said covers shall be opened by the clerk of the Parliaments or his deputy or assistant, or such other person as the said house shall direct, by the order of the speaker of the said house, during the sitting of the said house, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box, and the said lists shall be referred by the said house to a committee, who shall examine the same, and within such time as the said house shall direct report to the house the name or title of every lord whose name or title shall appear in ten or more of such lists, and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this Act, the members of the said house or any

Within the first 30 sitting days of each house in every session lists of 26 names to be delivered in, sealed up, by the members of the upper house, from which shall be selected 26 peers ;

of them may on any of the next seven sitting days of the said house deliver in fresh lists in covers sealed up and indorsed in the manner herein-before directed, each of such lists containing a number of names or titles of members of the said house equal to that number by which the list returned by the committee shall, exclusively of the members struck out as aforesaid, fall short of twenty-six, and the said covers shall be opened and the lists disposed of, referred and proceeded upon after the end of the said seven days in the manner herein-before directed in respect to the said former lists.

II. AND be it further enacted by the authority aforesaid, that the members of the House of Commons to be named by that house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following and no otherwise, any thing in the said recited Act contained to the contrary notwithstanding; (that is to say,) that within the first thirty sitting days of the said house in every future session of Parliament the members of the said house or any of them may respectively deliver in at the table lists inclosed in covers sealed up, and having the words "East India Judicature" and their respective names indorsed on the outside thereof in their respective proper hand writing, each of which lists shall contain the names of forty members of the said house; and that on the first sitting day after the expiration of the said thirty days the clerk of the said house or his deputy or assistant, or such other person as the house shall direct, shall prepare and lay upon the table the names of all the members who shall have delivered such lists; and that on the next sitting day of the said house the clerk of the said house, or any or either of such other persons as aforesaid, shall at the table during the sitting of the said house, by the order of the speaker, take the lists out of the said covers and put the said lists together into a box, and the said lists shall be immediately referred by the said house to a committee, who shall examine the same, and within such time as the house shall direct report to the house the name of every member whose name shall appear in twenty or more of the said lists, and if the names so returned shall not amount to forty at the least, exclusively of such of the said members therein named as shall be struck out of the said lists according to the directions of this Act, the members of the said house or any of them may, on any of the next seven sitting days of the said house, deliver in at the table of the said house fresh lists in covers sealed up and indorsed in the manner herein-before directed, each list containing a number of names of members of the said house equal to that number by which the list returned by the said committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred and proceeded upon after the end of the said seven days in the manner herein-before directed in respect to the said former lists; and the like order and course respectively as aforesaid shall be taken in each House of Parliament until the said numbers of twenty-six members of the House of Lords and forty members of the House of Commons shall have been returned to the said respective houses by the committees to whom the said lists shall be referred, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this Act.

and like lists of 40 names to be delivered in by the members of the House of Commons, from which shall be selected 40 members.

III. PROVIDED always, and be it enacted, that if any of the persons named in any of the lists returned by the said respective committees shall appear to

Persons holding offices under the crown

during pleasure, &c. to be struck out of the lists.

Mode of delivering in lists to be altered by either House, if that proposed be found inconvenient.

The party accused may peremptorily challenge 13 peers and 20 commoners contained in the lists, as the names are drawn by lot in the presence of the judges, according to the recited Act.

Prosecutor and accused may challenge any of the names, assigning reasons.

The first five peers and the first seven commoners whose names shall be drawn out and not challenged, to be, with the three judges, appointed special commissioners.

hold any civil office of profit under the crown during his Majesty's pleasure, or to be or to have been a commissioner for the affairs of India, or to be or to have been a director of the said company, or to hold or to have held any office or employment in the service of the said company in India, the names of all and every such persons shall be struck out of the said lists by the order of the said respective Houses of Parliament.

IV. PROVIDED also, and be it further enacted, that if the delivery of the said lists at the tables of the respective Houses of Parliament in the manner directed by this Act shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively, any thing herein before contained to the contrary notwithstanding.

V. AND be it further enacted, that the names of the twenty-six peers and forty members of the House of Commons which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six peers and forty members of the House of Commons which (in case the said lists of both or either of the said houses shall happen to contain a greater number of members than as aforesaid respectively) shall have been drawn by lot according to the directions of the said former Act, or of such of them as shall personally appear at the time and place appointed in the manner by the said Act directed, shall be put into a box to be drawn by lot in the presence of the judges to be appointed according to the directions of the said recited Act and of the parties to the information to be tried or their counsel or agents; and the person or persons against whom the said information shall have been exhibited shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers and twenty of the members of the House of Commons whose names shall have been put into the said box; and his Majesty's attorney general or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as in the opinion of the three judges or the majority of them shall appear in their discretion sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice; and the first five names of the said peers, and likewise the first seven names of the said members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall cause the said five peers and the said seven members of the House of Commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited Act and of this present Act, and the persons who shall be so named and authorised in and by the said commission shall appear within ten days at the time and place to be appointed by the said three judges, and shall then

and there take the following oath before the lord high chancellor or lord keeper or lords commissioners of the great seal of Great Britain for the time being, or any one of them :

**I** A.B. do swear, that as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C.D., I will diligently attend such trial, and that I will hear and determine the same to the best of my judgement, according to the evidence which shall be given.

Commissioners' oath.

So help me GOD.

VI. AND be it further enacted, that if by reason of the challenges as aforesaid the number of names so drawn out as aforesaid shall be reduced to less than five peers and seven members of the House of Commons respectively, then and in such case the said three judges shall forthwith certify the same to the speakers of the respective Houses of Parliament, who shall lay the same before the said houses respectively, and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate and appoint twenty-six members of the House of Lords and forty members of the House of Commons after the manner and course aforesaid, the lists of which said respective members so chosen and appointed shall be transmitted to the clerk of the crown in his Majesty's High Court of Chancery or his deputy, and be inserted in a new commission to be issued in the manner herein-before and in the said former Act directed: Provided always, that no day on which the House of Commons shall have adjourned for want of the presence of a sufficient number of members to execute the provisions of the several Acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in Parliament, shall be accounted one of the sitting days of the said house for any of the purposes of this Act.

If number be reduced by challenges to less than five peers and seven commoners, new lists to be made out.

Certain days not to be accounted sitting days of House of Commons.

VII. AND be it further enacted, that the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law upon convictions had and obtained according to the course of the common law for extortion or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said united company, in any capacity whatever; and such judgement so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive to all intents and purposes: and no certiorari shall be granted for removing the proceedings of the said special commissioners on such information into any court whatever; and the proceedings of the said special commissioners shall not be impeached or the validity thereof questioned in any action or suit or other proceeding in any court of law or equity.

Power of the commissioners.

Proceedings not removeable by certiorari, &c.

VIII. PROVIDED always, and be it enacted, that all and every the powers and authorities given and granted by the said recited Act and by this present Act unto the said special commissioners shall and may be executed by or before any ten or more of them (of whom one of the said three judges shall always be one); and that no act done or executed by or before the said commissioners, unless ten or more of the said commissioners (of whom one of the said three judges shall be one) shall be present at the doing or

Ten commissioners competent to act.

executing thereof (save and except in the particular cases herein-after specially provided), shall be valid or effectual, any thing in the said former Act contained to the contrary notwithstanding.

Majority to determine, and the president to have a casting vote.

IX. PROVIDED also, and be it further enacted, that whenever the said special commissioners shall not concur in opinion upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said commissioners who shall be then present, so that the number of commissioners then present be not less than ten as aforesaid; and if the said commissioners shall at any time be equally divided in opinion on any question or matter depending before them, the judge then sitting as president shall have two voices, or the casting vote.

If by death or otherwise the number should be reduced under ten, &c., a new commission to be made out.

X. AND be it further enacted, that if any of the said special commissioners shall depart this life, or be excused from attending in the manner by this Act directed, before the said commission shall have been fully executed, so that there shall not be a sufficient number of commissioners to proceed in the due execution of such commission, according to the true intent and meaning of this Act, or if all the said three judges shall happen to die or be excused from attending in the manner by this Act directed whilst the said commission shall be depending, then and in either of such cases and from thenceforth the said commission and the force and effect thereof shall cease, and a new commission shall be awarded for hearing the matter of such information for which such former commission was issued, and the trial of such information shall begin de novo, save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission.

Commissioners to attend during the whole trial, unless absent by leave.

XI. AND be it further enacted, that the said special commissioners shall severally attend in court during the whole trial for which they shall be appointed as aforesaid, and none of the said commissioners shall in anywise absent himself from the same (except as hereafter is provided), and the said court shall at no time proceed in the said trial until all the said special commissioners not having obtained such leave of absence or not having been excused as herein-after is provided shall be met and assembled; and if the said special commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said commissioners, shall be served upon or left at the usual or last place or places of abode of the said absent commissioner or commissioners respectively, and at such further adjourned meeting the cause of his or their absence shall be inquired into by the special commissioners who shall be then present before the said commissioners shall proceed to any other business, and if it shall not be made appear to the satisfaction of the said commissioners, by facts specially stated and verified before them upon oath (or in the case of such facts being verified by a peer of the realm, then upon his honour), that such absent commissioner or commissioners was or were by sudden accident or by necessity prevented from attending at the

If all do not meet, the majority present may adjourn.

Cause of absence to be enquired into.

said former sitting, it shall and may be lawful for the special commissioners then present, or the major part of them, to pass such censure upon such commissioner or commissioners who shall have been so absent as they shall think fit, and also to impose upon such commissioner or commissioners respectively for such neglect of duty, or upon any commissioner or commissioners who shall depart from the said court during the sitting and before an adjournment thereof, such fine or fines as the said commissioners or the greater number of them then present shall think fit, so that no such fine shall exceed the sum of five hundred pounds, which fine or fines shall be forthwith estreated by one or more of the said three judges into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer for levying the said fine or fines for his Majesty's use as is usually awarded for the levying of other fines estreated into the said Court of Exchequer; and the said special commissioners shall also have full power and authority to order or declare that any commissioner or commissioners who shall be so censured or on whom any such fine or fines shall be imposed shall be disabled from acting in the further execution of such commission.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

XII. PROVIDED always, and be it further enacted, that it shall and may be lawful for the said commissioners or the greater number of them to grant leave of absence to any of the said commissioners upon proof to their satisfaction of sickness or other urgent occasion; and such of the said commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such commission, any thing contained in the said former Act or in this Act to the contrary notwithstanding.

Leave of absence may be granted to commissioners, who, however, are disqualified.

XIII. PROVIDED also, and be it further enacted, that after the trial of any information shall have commenced and been begun by and before the said special commissioners, the said commissioners shall sit every day, Sunday, Christmas-day and Good Friday only excepted, and the said commissioners shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas-day or Good Friday shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such Sunday, Christmas-day or Good Friday: Provided also, that if the number of the said special commissioners capable of acting in the execution of such commission, according to the directions of this Act, shall by death or otherwise be reduced to ten, and any of such ten commissioners shall be prevented by sudden accident or by necessity from attending such trial, the said other commissioners or the greater number of them shall and may at their discretion adjourn and suspend the proceedings upon such trial from time to time as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not in the whole exceed ten adjournments, any thing herein-before contained to the contrary notwithstanding.

During a trial the commissioners not to adjourn for more than 24 hours, except on occasions herein specified.

XIV. AND be it further enacted, that it shall and may be lawful to and for the said special commissioners to constitute and appoint such clerks, tipstiffs, messengers and other officers to attend upon them in the execution of their said commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said commissioners, as the said commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon and subject and obedient to the said com-

Commissioners may appoint clerks, &c., who may be removed, &c.

missioners, and may be suspended, removed or discharged, or be punished by fine or fines to be imposed by the said commissioners for any neglect of duty or disobedience, at the discretion of the said commissioners, which fines shall be estreated into his Majesty's Court of Exchequer by one or more of the said three judges, and shall and may be levied and recovered for his Majesty's use by the process of the said court; and all and every of such clerks and other officers shall be paid by the parties informant or informants and defendant or defendants named in such information the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench upon trials of informations for misdemeanors prosecuted in the said court are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively.

How clerks,  
&c. are to be  
paid.

Court of King's  
Bench may  
issue out war-  
rants for appre-  
hending per-  
sons accused of  
extortion, &c.  
in the East  
Indies.

XV. AND be it further enacted, that whenever an information shall be exhibited in the said Court of King's Bench against any person or persons for the crime of extortion or other misdemeanor committed in the East Indies, in every such case, upon a certificate from the coroner and attorney of our lord the King (commonly called the clerk of the crown in the Court of King's Bench or the master of the crown office in the said court), or any or either of his sworn clerks in the said office, that such information hath been filed (which information, in case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the lord chief justice or any of the other judges of the said court, at the instance of such prosecutor or prosecutors, to issue his warrant under his hand and seal directed to all sheriffs, mayors, bailiffs, constables and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties defendant or defendants to such information; and if such party or parties shall escape or go into, reside or be in any place within that part of Great Britain called Scotland, it shall and may be lawful for the sheriff or steward depute or substitute or any justice of the peace of the county or place into which such party or parties shall escape or go or in which he or they shall reside or be to indorse his name on the said warrant, which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriffs officers, stewards officers, constables and other peace officers of the said county or place by the sheriff, steward depute or substitute, or justice of the peace whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said Court of King's Bench or before the lord chief justice or any of the judges of the said court, to be further dealt with according to the directions of the said former Act and this present Act.

If person  
accused escape,  
&c. into Scot-  
land, warrant to  
be endorsed by  
sheriff, &c.  
there.

Parties in-  
formed against  
to be com-  
mitted or to  
find bail.

XVI. AND be it further enacted, that it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid (not being attached) to surrender himself or themselves in the said Court of King's Bench at any time during the sitting of the said court, to be dealt with according to the directions of the said former Act and this present Act, or if the said court shall not be sitting, unto the said lord chief justice or any other of the judges of the said court; and that when and so



often as any such party or parties shall surrender himself or themselves out of court as aforesaid, or shall during any vacation or when the said court shall not be sitting be attached and brought before the said lord chief justice or other judge under any warrant or attachment issued by virtue of the said former Act or this present Act, the said lord chief justice or other judge shall and may order such party or parties to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said lord chief justice or other judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance and for submitting to the judgement to be pronounced in and upon such information, as the said lord chief justice or other judge shall in his discretion order and direct: Provided always, that it shall and may be lawful for the said commissioners to order any person in custody under the provisions of this Act to be from time to time brought up and remanded in such manner as to the said commissioners shall seem meet.

XVII. AND be it further enacted, that when and so often as any party or parties against whom any such information as aforesaid shall be exhibited shall not be attached or shall not have surrendered as aforesaid, and proof shall be made by any affidavit or affidavits to the satisfaction of the said Court of King's Bench that such party or parties is or are beyond the seas, or that upon enquiry at his or their usual place or places of abode or last known place or places of residence in Great Britain he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information, then and in such case the said court shall and may make a rule or order directing and appointing such party or parties to surrender himself or themselves in the said court or to the lord chief justice or one of the other judges of the said court, at a certain day in and by such rule or order to be limited and expressed at the discretion of the said court; and a copy of such rule or order shall within twenty days after the making thereof be inserted three several times in the London Gazette, and another copy of such rule or order shall within the time aforesaid be affixed in some conspicuous and publick place in the India House; and if the said party or parties shall not surrender himself or themselves respectively according to the tenor of such rule or order within the time therein to be limited for that purpose, or within such further time as the said court shall appoint or direct (which the said court is hereby empowered to do, on application being made on the behalf of such party or parties, if the said court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's attorney general or other prosecutor, by rule and leave of the said court (which rule and leave the said court is hereby empowered to grant), to cause an appearance and the plea of not guilty to be entered for such party or parties charged by the said information, and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

Mode of proceeding when parties abscond, &c.

Appearance to be entered for party not appearing, &c.

Notice of trial  
to be given  
where accused  
does not  
appear.

XVIII. PROVIDED always, and be it further enacted, that in all cases where the plea of not guilty shall be entered for the party or parties defendant or defendants to any information by the prosecutor or prosecutors thereof, by virtue and according to the directions of this Act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof by advertisement in the London Gazette, any law, usage or practice to the contrary notwithstanding.

Judgement to  
be pronounced  
by the com-  
missioners,  
though the  
parties accused  
do not appear.

XIX. AND be it further enacted, that if any party or parties charged by any such information as aforesaid shall make default in his or their personal appearance at the pronouncing of judgement in the matter of such information by and before the said special commissioners, it nevertheless shall and may be lawful for the said commissioners to pronounce judgement upon such information in the same manner as if the said party or parties was or were personally present, and every such judgement shall be as valid, effectual and conclusive to all intents and purposes whatever as if the said party or parties had been personally present at the pronouncing thereof, any law or usage to the contrary notwithstanding.

Parties accused  
may be com-  
mitted during  
trial.

XX. AND be it further enacted, that whenever the party or parties charged by any such information shall personally appear before the said special commissioners on the hearing or trial thereof, it shall and may be lawful to and for the said special commissioners at any time during the course of such trial to order such party or parties to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said special commissioners, there to be detained until judgement shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said commissioners.

Disturbers of  
the court may  
also be com-  
mitted.

XXI. AND be it further enacted, that if any person or persons shall be guilty of any contempt or disturbance in the court of the said commissioners during the sitting of the court, it shall and may be lawful to and for the said commissioners to order such person or persons to be taken into custody by any officer or officers to be appointed by the said commissioners to attend the said court, and to stand committed to the prison of the Marshalsea or the gaol of Newgate, at their discretion, to be there kept for such time as the said commissioners shall order and direct.

Judgements of  
the commis-  
sioners to be  
executed by the  
Court of King's  
Bench;

XXII. AND be it further enacted, that the judgements which shall be made and pronounced by the said special commissioners according to the directions and under the authority of the said recited Act and this present Act shall, when and so soon as the said judgements and other proceedings shall have been delivered over by the register to the said commissioners to the clerk of the crown in the said Court of King's Bench (otherwise called the coroner and attorney of our lord the King or the master of the crown office in the said court) in the manner directed by the said former Act, be executed and enforced by the authority of the said Court of King's Bench, and such proceedings to outlawry and other proceedings against the several and respective defendants thereto shall and may be had thereon in the like manner as according to the course and practice of the said court may be

had upon judgement made and pronounced by the said court ; and the judgements of the said special commissioners shall be final and conclusive to all intents and purposes whatever, and shall not be arrested, defeated, reversed or avoided, or liable to be arrested, defeated, reversed or avoided, for or, by reason or means of any error, defect or want of form in any such judgement or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof, any law, statute or usage to the contrary notwithstanding.

XXIII. PROVIDED always, and be it further enacted and declared, that nothing in the said recited Act or in this present Act contained shall extend or be construed to extend to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit or advantage to which, by the law of the land or the rules of practice of the Court of King's Bench, such prosecutor or prosecutors, defendant or defendants, is or are, or would, could or might have been entitled upon any other information of a like nature depending in the said Court of King's Bench, before issue in fact joined therein ; nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could or might have been legally exercised by the said Court of King's Bench in the matter of any such information before issue in fact joined therein, if the said former Act or this present Act had not been made, any thing in the said former Act or this present Act contained to the contrary notwithstanding.

XXIV. PROVIDED also, and be it further enacted, that if the party or parties charged by any such information as aforesaid shall enter a demurrer to such information, and such demurrer shall be over-ruled by the said Court of King's Bench, such party or parties shall within eight days next after the said court shall have given judgement on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgement shall be affirmed or such writ of error shall be nonpros'd, enter the plea of not guilty to such information, or in default thereof the said plea of not guilty shall and may be entered for and in the name or names of such party or parties by his Majesty's attorney general or other prosecutor, and the said information shall proceed in the like manner as if no demurrer had been entered thereto, any law or the usage or practice of the said court to the contrary notwithstanding.

XXV. PROVIDED also, and be it further enacted and declared, that if his Majesty's attorney general or other prosecutor or prosecutors of any such information shall be desirous of having the same proceeded in, tried and determined in the said Court of King's Bench, and shall move the said court for that purpose, then and in every such case the said court shall grant a rule or order for retaining such information in the said court, and the said information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged and determined by the said Court of King's Bench in such and the same manner to all intents and purposes as an information of the like nature would, could or might have been proceeded in, heard, tried and determined in and by the said court in case the said former Act or this present Act had not been made, any thing in the said former Act or this present Act contained to the contrary notwithstanding.

and to be final.

This or the recited Act not to deprive persons of any right they are entitled to by law, &c. ;

nor to restrict powers of Court of King's Bench.

Mode of proceeding where demurrers are entered and overruled.

Informations may at option of prosecutor be tried in the Court of King's Bench.

How fines, &c.  
are to be  
recovered  
in England ;

XXVI. AND be it further enacted, that whenever the party or parties against whom any such information shall have been exhibited as aforesaid shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors, and also whenever any recognizance or recognizances entered into under the said former Act or this present Act shall become forfeited, the said Court of King's Bench, or in case the said court shall not be then sitting, the lord chief justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney general or other prosecutor, deliver to the lord chief baron or any other of the barons of the Court of Exchequer an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid, and the said lord chief baron or other of the said barons shall thereupon, at the requisition of the said attorney general or other prosecutor, authorise and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of extendi facias and capias or other special process against the said party or parties adjudged to pay such fine or fines, or the principal or principals and sureties in such recognizance or recognizances respectively, and their lands, tenements and hereditaments, goods, chattels and effects, directed into such county or counties, cities, places or liberties, to the proper sheriffs or other officers of the same respectively, for the due execution thereof, as the said attorney general or other prosecutor shall desire or require in that behalf ; and if such party or parties or such principal or principals and sureties or any of them shall have or be seised or possessed of or entitled to any lands, tenements or hereditaments, goods, chattels, estate or effects situate, lying or being within that part of Great Britain called Scotland, or shall be resident in that part of the said United Kingdom, then and in either of such cases his Majesty's Court of Exchequer in Scotland, or when the said court shall not be sitting, the lord chief baron or any other of the barons of the said Court of Exchequer in Scotland, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same court or delivered to the said lord chief baron or any other of the barons of the same court, from and under the seal of the Court of Exchequer in England or under the hand and seal of the lord chief baron or any other of the barons thereof, (and which copy or transcript the said Court of Exchequer in England, or when the said court shall not be sitting, the lord chief baron or any other of the barons of the same court, is and are hereby required, at the instance of his Majesty's attorney general or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said attorney general or other prosecutor, carry on such proceedings and award such and the like process and processes as is and are competent by the law of that part of Great Britain called Scotland for recovery of debts due to the crown.

Mode of recovering fines  
from property  
in the East  
Indies, when  
the effects in  
Britain are  
insufficient.

XXVII. AND be it further enacted, that if it shall at any time be made to appear to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's attorney general or other prosecutor, by motion in the said court on his or their behalf, that such party or parties, principal or principals or sureties as aforesaid or any of them have no lands, tenements or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or

recognizances or due for such fine or fines respectively, and that such party or parties, principal or principals or sureties or any of them shall have or be seised or possessed of or entitled to any lands, tenements or hereditaments, goods, chattels, debts, estate or effects within any of the British possessions in the East Indies respectively (the said sum or sums, fine or fines, not being paid and satisfied), then and in every such case the said Court of Exchequer shall and may by rule or order of the said court cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said court or to be otherwise attested as the said court shall direct, and the same so sealed or attested shall be closed up under the seals of any two of the barons of the said court, directed to the Supreme Court of Judicature in Bengal and to the mayor's courts at Madras and Bombay, or to any or either of the said courts, as the case shall or may require; and the same shall be delivered by the said barons or one of them to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose, which agent or agents (or in the case of his or their death the person into whose hands the same shall come) shall deliver such transcript or transcripts to one of the judges of the said Supreme Court or mayor's courts respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said barons (or in what other manner the same came into his or their hands), and that the same hath not or have not been opened or altered since he or they so respectively received the same (which oath any of the said judges of any of the said courts in India are hereby authorised and required to administer), and thereupon such transcript or transcripts shall be filed and recorded in such of the said courts in India to which the same shall be so directed, as the case may require; and upon motion to be made in such courts or court for that purpose, for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may from time to time be awarded and had by and in the said Supreme Court of Judicature and the said mayor's courts at Madras and Bombay respectively, or any or either of them, against the lands, tenements or hereditaments, goods, chattels, debts, estate and effects of the said party or parties, principal or principals and sureties within the limits of the jurisdictions of such respective courts in the East Indies as might or could have been awarded or had in the said Court of Exchequer in England against the lands, tenements, hereditaments, goods, chattels, debts, estates and effects of the same party or parties, principal or principals or sureties in England, and the same shall be valid and effectual, any law, usage or custom to the contrary notwithstanding.

XXVIII. AND whereas it is by the said recited Act enacted, that in all cases of informations laid or exhibited by virtue of the said Act in the Court of King's Bench for misdemeanors or offences committed in India, it shall be lawful for the said court to award a writ or writs of mandamus to the chief justice and judges of the Supreme Court of Fort William, or the judges of the mayor's court of any of the British settlements in India, as the case may require, who are thereby respectively authorized and required accordingly, to hold a court for the examination of witnesses and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken and reduced into writing

Recital of Act  
24 Geo. 3.  
sess. 2. c. 25.  
s. 78.

in manner therein mentioned and sent to his Majesty in his Court of King's Bench, closed up and under the seals of two or more of the judges of the said Supreme Court, and that one or more of the judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: And whereas a doubt may arise whether such examinations as may be taken by the judges of the mayor's court in any of the British settlements in India by force and virtue of the said Act may be lawfully sent closed up under the seals of the same judges, and whether any one or more of the same judges is or are impowered to deliver the same to the agent or agents of the party requiring the same: Be it therefore enacted, that every examination which shall or may be had or taken by the judges of the mayor's court of any of the British settlements in India by force and virtue of the said Act (being reduced into writing as in the said Act is directed or mentioned) shall be sent to his Majesty in his Court of King's Bench closed up and under the seals of two or more of the judges of the mayor's court of any of the British settlements in India, and one or more of the judges of the same court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's Court of King's Bench, in the publick office, and make such or the like oath as is in and by the said Act directed and prescribed, any thing in the said Act contained to the contrary notwithstanding.

Examinations taken in the mayors' courts in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

Persons resident in India amenable to the courts there.

XXIX. AND be it further enacted, that as well the servants of the said united company as all other of his Majesty's subjects resident or to be resident in India shall be and are hereby declared to be amenable to the courts of oyer and terminer and gaol delivery and courts of general or quarter sessions of the peace in any of the British settlements in India for all murders, felonies, homicides, manslaughterers, burglaries, rapes of women, perjuries, confederacies, riots, routes, retainings, oppressions, trespasses, wrongs and other misdemeanors, offences and injuries whatsoever by them done, committed or perpetrated or to be by them hereafter done, committed or perpetrated in any of the countries or parts of Asia, Africa or America, beyond the Cape of Good Hope, to the Streights of Magellan, within the limits of the exclusive trade of the said united company, whether the same shall have been done, committed or perpetrated or shall hereafter be done, committed or perpetrated against any of his Majesty's subjects or against any other person or persons whatever.

Governor, &c. of Fort Saint George, &c. to have jurisdiction in all matters civil and criminal.

XXX. AND be it further enacted and declared, that the governor or president and council of Fort Saint George for the time being, in their courts of oyer and terminer and gaol delivery and quarter or general sessions of the peace, and also the mayor's court at Madras, according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all British subjects whatsoever who now reside or shall here-

after reside within any of the forts, factories, towns, lands or territories in the possession of the said united company on the coast of Coromandel or in any other part of the Carnatic, or in the five northern circars, including those parts of the said circars which lie within the kingdom or province of Orixa, or within any of the dominions or territories of the soubah of the Deckan, the nabob of Arcot or the rajah of Tanjore.

\* \* \* \* \*

XXXVIII. AND whereas great difficulties, expence and delay often arise in giving proof in Great Britain of the execution of bonds and other deeds and writings executed and witnessed by persons resident in the East Indies, and the like difficulties, expence and delay also arise in giving proof in the East Indies of the execution of bonds and other deeds and writings executed and witnessed by persons resident in Great Britain : For remedy thereof, be it enacted, that whenever any bond or other deed or writing executed in the East Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in Great Britain, it shall be sufficient to prove by one or more credible witness or witnesses that the name or names subscribed to such bond, deed or writing purporting to be of the hand or hands writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand writing or hands writing of such obligor or obligors, party or parties respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same respectively is or are of the proper hand or hands writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East Indies ; and in like manner all courts of justice in the East Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain and witnessed by any person or persons resident in Great Britain ; and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds and other deeds and writings as if the witness or witnesses thereto was or were dead.

Bonds executed in the East Indies shall be evidence in Britain, and contrariwise, on proof of the handwriting of the parties.

XXXIX. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall take place and have commencement in Great Britain immediately after the same shall have received his Majesty's royal assent, and shall take place and have commencement in and throughout the East Indies and parts within the limits of the exclusive trade granted to the said company from the first day of January one thousand seven hundred and eighty-seven.

Publick Act.  
Commence-  
ment thereof.

## CHAPTER LXII.

AN ACT to enable the East India Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock.

WHEREAS the publick stands indebted to the united company of merchants of England trading to the East Indies in the sum of four millions two hundred thousand pounds, lent at various times under the authority of several Acts of Parliament, for which an annuity is now payable to the said united company to the amount of one hundred and twenty-six thousand

Preamble.

Recital of Act  
23 Geo. 2.  
[c. 22.]

Company may  
borrow, with  
the approba-  
tion of the  
Treasury, any  
sum at 3*l*. per  
cent. the  
annual interest  
of which does  
not exceed  
36,226*l*. 16*s*.

The additional  
annuities to be  
paid on the  
same terms as  
the money bor-  
rowed under  
the recited Act,  
and secured by  
the publick in  
the same  
manner, &c.

pounds, being an interest on the said debt at and after the rate of three pounds per centum per annum : And whereas the said united company, pursuant to the powers contained in an Act of Parliament made in the twenty-third year of the reign of his late Majesty King George the Second, intituled “ An Act for giving further time to the proprietors of annuities after the “ rate of four pounds per centum per annum to subscribe the same in the “ manner and upon the terms therein mentioned, and for redeeming such of “ the said annuities as shall not be so subscribed, and for empowering the “ East India Company to raise certain sums by transferrable annuities,” have borrowed and taken in by subscription from sundry persons the sum of two millions nine hundred ninety-two thousand four hundred and forty pounds five shillings by a grant of annuities called India annuities, which now carry an interest at the rate of three pounds per centum per annum, amounting to the yearly sum of eighty-nine thousand seven hundred and seventy-three pounds four shillings : And whereas, for the purpose of enabling the said united company to carry on an extended trade, and also to discharge the demands to which they are liable, it is necessary and expedient that the said united company should be enabled to raise a further sum of money than they are now enabled to do : May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said united company, and they are hereby authorized and empowered, by and with the consent and approbation of the commissioners of his Majesty’s Treasury for the time being or any three or more of them, or of the high treasurer for the time being, at such time or times and in such manner as they shall find to be most for the advantage of the said united company, to borrow and take in by subscription or otherwise from any person or persons, bodies politick or corporate, who shall be willing to advance the same, any sum or sums of money by the sale or mortgage of a fund attended with an annuity at the rate of three pounds per centum per annum, not exceeding in the whole the annual sum of thirty-six thousand two hundred and twenty-six pounds sixteen shillings, being an annuity due to the said united company from the publick, in consideration of one million two hundred and seven thousand five hundred and fifty-nine pounds fifteen shillings, part of the said sum of four millions two hundred thousand pounds, which said sale shall and may be made at such price or prices as the court of directors of the said united company, by and with the consent and approbation of the commissioners of his Majesty’s Treasury for the time being or any three or more of them, or the high treasurer for the time being, shall think fit ; and that from and after the time of such sale the said annuities shall be paid and transferred in like manner, and the proprietors and holders shall in all respects hold their respective shares of the said fund to be purchased as aforesaid in like manner and upon the same terms as the respective present proprietors now hold and enjoy the respective sums belonging to them in the said annuity fund of two millions nine hundred ninety-two thousand four hundred and forty pounds five shillings ; and the said annuities so to be sold as aforesaid shall be consolidated with the said fund of two millions nine



hundred ninety-two thousand four hundred and forty pounds five shillings ; and the said debt of four millions two hundred thousand pounds due from the publick to the said united company, and the annuities payable in respect thereof, shall be a collateral security to the proprietors and holders of the said annuities so to be sold or mortgaged as aforesaid, in the same manner as for the said sum of two millions nine hundred ninety-two thousand four hundred and forty pounds five shillings heretofore sold under the before recited Act of the twenty-third year of the reign of his late Majesty King George the Second, but subject nevertheless to such and the like proviso or condition of redemption by the company, as the said sum of four millions two hundred thousand pounds due to the company by the publick is or shall be subject and liable by any Act or Acts of Parliament. [Rep., 33 Geo. 3. c. 47. s. 1.]

II. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said united company, and they are hereby authorised and impowered, by and with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of three millions two hundred thousand pounds to any sum not exceeding the further sum of eight hundred thousand pounds capital stock, so as to make their whole capital stock the sum of four millions; which said additional capital stock shall be subscribed and paid for at the rate of one hundred and sixty pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said united company, with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid in such manner and form and by such instalments and proportions as the said court of directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for shall from and after the time of such payment be deemed, considered and taken as and for a part of the capital stock of the said company ; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors or administrators and assigns, shall at all times be deemed and reputed to be members of the said united company, and incorporated therewith, and shall be intitled unto, and have, hold and enjoy all and every the profits, benefits, privileges, advantages and immunities, and be subject and liable to all and every the regulations, rules and orders whereto the present stockholders and members of the said united company, in respect of the stock held by and belonging to them, are respectively intitled, subject and liable unto, by any Act or Acts of Parliament, charter or bye-law, or otherwise howsoever ; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said company now do and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said united company, and the same shall in all respects be consolidated and united as one joint stock.

Company may  
add to their  
capital stock  
800,000*l.* by  
subscription.

Subscribers to  
be incorporated  
with the com-  
pany, &c.

Dividends on the additional stock to be paid as on the present stock.

III. AND be it further enacted by the authority aforesaid, that the said united company shall and may from time to time make and pay the like dividends to the proprietors of the said additional stock as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said united company, the first of which said dividends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

Preference in subscribing for the additional stock may be given to the present proprietors, so as not to exceed 50l. per cent on the stock now held by them.

If sum so subscribed be more than sufficient, a proportionable deduction to be made from each subscription.

IV. PROVIDED nevertheless, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference in subscribing for the said additional stock to such persons as shall hold the said company's stock at the time or times of such subscription as aforesaid, as far as and not exceeding the amount of fifty pounds per centum on the capital stock which shall then be held by each stockholder so subscribing, for all such sums as they shall subscribe on or before the first day of September one thousand seven hundred and eighty-six; and in case the subscriptions made by them on or before the said first day of September one thousand seven hundred and eighty-six shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription, and if such subscription shall on the close thereof on the first day of September one thousand seven hundred and eighty-six fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said court of directors, with consent and approbation as aforesaid, shall think fit.

Court of directors may sell the whole or part of the annuity or additional stock to one or more person or persons, with the consent of the Treasury.

V. PROVIDED always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to prevent or restrain the court of directors of the said united company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politick or corporate, for the sale of the whole of the said annuity hereby authorised to be sold, or for the sale of the said additional capital stock, or for such part or parts thereof respectively as they shall from time to time think fit and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole or any part thereof respectively to one or more person or persons.

Receipts to be given for deposits, and to be transferrable by indorsement.

Names of new proprietors to be entered in books of company.

VI. AND be it further enacted, that as soon as reasonably may be after the deposit or first payment shall be made for the said annuities hereby authorised to be sold, or for the said additional stock to be subscribed for, the said company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said annuities to be sold and on the said additional stock to be subscribed for as aforesaid, the holder of such receipt, on delivering up the same, shall have his or her name entered in proper books to be kept by the said united company for those purposes, with an account of the annuity fund or the capital stock belonging to each proprietor, in like manner as the accounts of the present proprietors of India annuities and stock are respectively kept.

VII. PROVIDED always nevertheless, and be it further enacted, that in case any subscriber or subscribers after having subscribed shall fail in making all or any the payments agreed at the respective times for such payments, then and in every such case the said united company shall and may take in subscriptions for and sell the annuity fund or stock subscribed for by such defaulter to any other person or persons, and all deposits and payments made by such defaulter previous to such default shall be forfeited to and become the property of the said united company.

Deposits to be forfeited if subscriptions are not duly paid.

VIII. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant to purchase the said annuities and subscribe and pay for the said additional stock or any part thereof respectively upon the terms and conditions contained in this Act, and such infant, upon the payment of such sum or sums by such guardian or trustee, shall be intitled unto the annuities or stock so subscribed and paid for on his account, and to all advantages in respect thereof, in like manner as any other purchaser or subscriber, and the said guardian or trustee, as to the sum or sums advanced by him, shall be and is hereby discharged in respect thereof, so as the name of such infant shall be expressed in the receipt or receipts for such money.

Guardians may purchase for infants, &c.

IX. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

Publick Act.

## CHAPTER LXXI

AN ACT for regulating Houses and other Places kept for the Purpose of slaughtering Horses.

**W**HEREAS the practice of stealing horses, cows and other cattle hath of late years increased to an alarming degree, and hath been greatly facilitated by certain persons of low condition who keep houses or places for the purpose of slaughtering horses and other cattle: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twentieth day of July in the year of our Lord one thousand seven hundred and eighty-six, no person or persons shall keep or use any house or place for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle which shall not be killed for butchers meat, without first taking out a licence for that purpose at the general quarter sessions held for the county, riding, city, town, district, division or liberty wherein such slaughtering house or place shall be situate; and the justices of the peace, at their general quarter sessions assembled, are hereby authorised and empowered to grant such licences as aforesaid, upon a certificate, under the hands and seals of the minister and churchwardens or overseers, or of the minister and two or more substantial householders of the parish wherein the person or persons applying for such licence shall dwell, that such person or persons is

Preamble.

From July 20, 1786, every person keeping a slaughtering house to take out a licence, &c.

or are fit and proper to be trusted with the management and carrying on such business as aforesaid: Provided always, that in case of the death of any person to whom such licence as aforesaid shall be granted, it shall and may be lawful for the widow, or personal representative of such person so dying, to carry on the said business until the then next ensuing general quarter sessions of the peace.

Justices to grant licences, which are to be entered, &c.

II. AND be it further enacted, that every such licence shall be signed by the justices of the peace assembled at such general quarter sessions or by the major part of them, and a copy of every such licence shall be entered in a book to be kept for that purpose by the clerk of the peace of the county wherein the same shall be so granted as aforesaid; and that all and every person and persons shall have liberty at all times (Sundays excepted), between the hours of ten and twelve of the clock in the forenoon, to search the office of such clerk of the peace wherein any such copy shall be entered or kept, and to make an extract or extracts from the same, paying for every such search the sum of sixpence; and all and every person and persons so licensed as aforesaid shall cause to be painted or affixed over the door or gate of the house or place where he, she or they shall carry on the said business, in large legible characters, his, her and their name and names, with the words "Licensed for slaughtering horses, pursuant to an Act passed in the twenty-sixth year of his Majesty King George the Third."

Persons licensed to affix to their houses the words herein mentioned.

Previous notice to be sent when horses, &c. are intended to be slaughtered to the inspector, who is to take an account of the beasts.

III. AND be it further enacted, that every occupier and occupiers of every such licensed slaughtering house or place shall, six hours previous to the slaughtering or killing of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle which shall not be killed for the purpose of butchers meat, and previous to the flaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle brought dead to such slaughtering house or other place, give notice in writing to a person to be appointed in manner herein-after mentioned as inspector, to the intent that such inspector may, upon such notice as aforesaid, and before any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle shall be slaughtered, killed or flayed, take an exact account and description of the height, age (as near as may be), colour and particular marks of every horse, mare, gelding, foal or filly, ass or mule, brought alive for the purpose of being slaughtered or killed, or brought dead as aforesaid, and of the colour and particular marks of every cow, bull, heifer, ox, calf, sheep, hog, goat or other cattle brought alive or dead for either of the purposes aforesaid; and no such horse, mare, gelding, foal or filly, ass, mule, ox, bull, cow or heifer, calf, sheep, hog, goat or other cattle shall be slaughtered, killed or flayed but between the hours of eight of the clock in the morning and four of the clock in the evening during the months of October, November, December, January, February and March, and between the hours of six of the clock in the morning and eight of the clock in the evening during the months of April, May, June, July, August and September in every year.

Times of slaughtering, &c.

Account to be kept by the owners of slaughtering houses of the owners of the

IV. AND be it further enacted, that every person so licensed as aforesaid shall, at the time any horse, mare or gelding, colt, filly, ass or mule, or any ox, bull, cow, heifer, calf, sheep, hog, goat or any other cattle shall be brought for the purpose of slaughtering, killing or flaying, make or cause to

be made an entry in a book to be kept for that purpose, in a fair legible hand, of the name and names, place and places of abode, profession and professions of the owner or owners thereof, and also of the person and persons who shall bring the same to be slaughtered, killed or flayed, and the reason or reasons why the same is brought to be slaughtered, killed or flayed, which reason and reasons the person or persons bringing the same is and are hereby required to declare to such person or persons so licensed as aforesaid, which book shall at all times be open for the perusal and examination of the inspector and inspectors to be appointed under this Act; and all and every such licensed person and persons shall at all times attend with and produce such book before any one justice of the peace for the county, city, liberty or place where such licensed slaughtering house or place shall be situate, when required by warrant or order under the hand and seal of such justice of the peace so to do, and shall likewise produce the same at every general quarter sessions of the peace which shall be held in and for the said county.

V. AND be it further enacted, that such of the parishioners as by law are intitled to meet in vestry for the purpose of choosing parish officers shall, in every parish wherein any such slaughtering house or place shall be situated, annually or oftener as occasion may require, appoint one or more proper person or persons to be an inspector or inspectors to inspect every such slaughtering house and place as aforesaid, to whom all and every occupier and occupiers, person and persons carrying on such business as aforesaid shall, six hours previous to his, her or their slaughtering, killing or flaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle, give notice in writing of his, her or their intention so to do, and such inspector or inspectors shall in person, or by his or their servant or servants, attend at the slaughtering house or place of the person or persons so giving such notice, and there take such account and description as herein-before directed; and every such inspector shall and is hereby required to keep a book or books, and therein to make an entry of every such account and description, and every such occupier or person carrying on such business as aforesaid shall for every such entry pay to such inspector sixpence; and all and every person and persons desiring to inspect such book or books shall have access to the same at all times between the hours of eight of the clock in the morning and five in the evening during the months of October, November, December, January, February and March, and between the hours of six of the clock in the morning and eight in the evening during the months of April, May, June, July, August and September in every year, paying to such inspector for every such search the sum of sixpence and no more; and every such inspector so appointed as aforesaid shall cause to be painted or affixed over the door of the house where he resides his name and the words "Inspector of houses and places for slaughtering horses;" and in case such inspector or inspectors shall, upon examination of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle intended to be slaughtered or killed have reason to believe or be of opinion that such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle is or are free from disease and in a sound and serviceable state, or that the same has been stolen or unlawfully come by, he or they shall have power, and is and are hereby

cattle brought,  
&c.

Vestry to  
appoint  
inspectors.

Inspectors  
duty.

authorised and required, to prohibit the slaughtering or killing of any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle for any time not exceeding the space of eight days, and in the mean time shall and is and are hereby directed and required to cause an advertisement or advertisements to be inserted in the Daily Advertiser or some publick newspaper circulated in the county where such slaughter house or place shall be situated, twice or oftener, unless the owner or owners of such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle shall sooner claim the same, [to\*] certify under his, her or their hand or hands to or otherwise satisfactorily inform the said inspector or inspectors that he, she or they sent or delivered or caused the said horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other such cattle to be delivered to the said person or persons so licensed for the purpose of being slaughtered or killed, the expence of inserting such advertisement or advertisements as aforesaid to be paid by the occupier or occupiers of such slaughtering house or place to such inspector or inspectors; and in case such occupier or occupiers of such slaughtering house or place shall refuse to defray or pay the same, and shall be thereof convicted on the oath of any such inspector as aforesaid before any one justice of the peace for the county or district wherein such slaughtering house or place shall be situated, he, she or they shall forfeit double the amount of the charge of such advertisement or advertisements, to be raised by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of any such justice as aforesaid, and the form of such conviction shall be as follows :

Form of conviction for refusing to pay for advertisements of the inspectors.

**A.** B. is convicted, on the oath of C.D., inspector of houses and places for slaughtering horses for the parish of E. in the county of D., of refusing to pay the sum of \_\_\_\_\_ being the expence of an advertisement or advertisements (as the case may be) inserted in the Daily Advertiser or some other publick newspaper circulated in the county (as the case may be), pursuant to the directions of the statute in that case made and provided.

Given under my hand and seal this

day of

F.G.

Inspectors may visit slaughtering houses at all times.

**VI.** AND be it further enacted, that it shall and may be lawful to and for every inspector so appointed as aforesaid, at all times in the day or night, but if in the night then in the presence of a constable, to go to, enter into and inspect any house or place kept for slaughtering or killing horses by any person or persons licensed as aforesaid, and also any stable, building, shed, yard or place belonging thereto, and then and there to examine, search for and see if any horse, mare, gelding, foal, filly, ass or mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle is or are deposited or have been brought there, and to take an account thereof; and all and every person and persons so licensed as aforesaid having, keeping or using any such house or place for slaughtering horses, shall and is and are hereby directed and required to permit and suffer any such inspector as aforesaid, at all times in the day and night, but if in the night then in the presence of a constable, to enter into and inspect such house or place, and also any stable, building, shed, yard

or premises belonging thereto, and freely to examine, search for and see any horse, mare, gelding, foal, filly, ass or mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle then and there being, and to take such account as herein-before directed.

VII. AND be it further enacted, that in case any person or persons who shall offer to sale or shall bring any horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle to any person or persons keeping such slaughtering house or place as aforesaid to be slaughtered or killed, or being dead to be flayed or skinned, shall not be able or shall refuse to give a satisfactory account of himself, herself or themselves, or of the means by which the same came into his, her or their possession, or if there shall be any reason to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle is or are stolen or otherwise unlawfully obtained, it shall and may be lawful for the person or persons keeping such slaughtering house or place as aforesaid to whom the same shall be brought or offered to sale, and for his, her or their servants, agents or assistants, and also for the said inspector or inspectors, or his or their servant or servants as aforesaid, to seize and detain such person or persons, and also every such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle so brought or offered to sale as aforesaid, and to deliver such person or persons as soon as conveniently may be into the custody of a constable or other peace officer, who shall and is hereby required immediately to convey such person or persons before a justice of the peace for the county, riding, division, city, liberty or place where the offence shall be committed; and if such justice shall upon examination and enquiry have cause to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle is or are stolen or unlawfully obtained, it shall and may be lawful for such justice to commit such person or persons into safe custody for any time not exceeding the space of six days, in order to be further examined, and if upon either of the said examinations such justice shall be satisfied or have reason to believe that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat or other cattle is or are stolen or illegally obtained, the said justice is hereby authorised and required to commit the person or persons so bringing or offering the same to sale to the common gaol or house of correction of the county, riding, division, city, liberty or place wherein the offence shall be committed, there to be dealt with according to law.

Persons bringing cattle refusing to give an account of themselves, &c. may be carried before a justice.

Justice may commit suspected persons.

VIII. AND be it further enacted, that if any person or persons keeping or using any such slaughtering house or place as aforesaid shall at any time from and after the twentieth day of July one thousand seven hundred and eighty-six slaughter any horse, mare or gelding, foal or filly, ass or mule, or any bull, cow, heifer, ox, calf, sheep, hog, goat or other cattle, for any other purpose than for butchers meat, or shall flay any horse, mare, gelding, foal, filly, ass, mule, bull, cow, heifer, ox, calf, sheep, hog, goat or other cattle brought dead to such slaughtering house or other place, without taking out such licence or without giving such notice as aforesaid, or shall slaughter, kill or flay the same at any time or times other than and except within the hours herein-before limited, or shall not delay slaughtering or killing the same according to the direction of such inspector so authorised to prohibit the same as aforesaid, such person or persons so offending in either of the said

Persons slaughtering horses, &c. without licence, &c. to be deemed guilty of felony.





of having wilfully made or caused to be made [as the case may be] a false entry in the book required by the statute in that case made and provided to be kept by the said A.B., whereby he [she or they] has [or have] forfeited the sum of

Given under my hand and seal the day and year above written.

XII. AND be it further enacted, that the book and books of all and every the inspector and inspectors of every parish wherein any such slaughtering house or place shall stand or be situated shall be produced at every general quarter sessions of the peace to be holden in and for the county wherein any such licence shall be granted, and delivered to the justices of the peace at such general quarter sessions assembled, then and there to be examined by them as they shall think fit.

Inspectors  
books to be  
produced at  
the quarter  
sessions.

XIII. AND be it further enacted, that if any person or persons shall occasionally lend any house, barn, stable or other place for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle which shall not be killed for butchers meat without taking out such licence as aforesaid, and shall be thereof convicted before any justice of the peace for the county, riding, city, town, district, division or liberty wherein such person or persons shall reside, upon the oath of two credible witnesses, he, she or they shall forfeit, upon conviction, for every such offence, any sum not exceeding twenty pounds nor less than ten pounds, one moiety thereof to be paid to the informer and the other moiety to the poor of the parish where the offence shall be committed, and which said last mentioned moiety shall, upon payment thereof, be immediately transmitted by the justice so convicting to the overseers of the poor of the said parish or one of them; and in case such penalty shall not be forthwith paid, such justice shall commit the offender to the common gaol or house of correction, there to remain without bail or mainprize for any time not exceeding three calendar months nor less than one calendar month, unless the said penalty shall be sooner paid; and the form of such conviction shall be as follows, or to the like effect:

Penalty on persons lending houses for the purpose of slaughtering without licence.

**B**E it remembered, that on this                               day of  
A.B. was convicted, upon the oaths of two credible witnesses, before me,  
C.D., one of his Majesty's justices of the peace for the county of  
for occasionally lending a house [or place, as the case may be] for the purpose  
of slaughtering horses [or, as the case may be, of slaughtering cattle for other  
purposes than for butchers meat], without a licence for that purpose first  
obtained, according to the statute in that case made and provided.

Given under my hand and seal the day and year above written.

XIV. PROVIDED always, that this Act shall not extend to any currier, felt-maker, tanner or dealer in hides who shall kill any distempered or aged horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle, or purchase any dead horse, mare, gelding, colt, filly, ass, mule, ox, cow, heifer, calf, sheep, hog, goat or other cattle, for the bona fide purpose of selling, using or curing the hide or hides thereof in the course of their respective trades, nor to any farrier employed to kill aged and distempered cattle, nor to any person or persons who shall kill any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat or other cattle of their own, or other cattle, or purchasing any dead horse or

Act not to extend to curriers, &c. killing distempered horses, &c.

other cattle to feed their own hounds or dogs, or giving away the flesh thereof for the like purpose.

Collar-makers,  
&c. killing  
sound horses,  
&c. liable to  
penalty.

XV. AND be it further enacted, that if any collar-maker, currier, felt-maker, tanner or dealer in hides, or farrier or other person shall, under colour of their respective trades or occupations, knowingly or willingly kill any sound or useful horse, gelding, mare, foal or filly, or boil or otherwise cure the flesh thereof for the purpose of selling the same, such collar-maker and other tradesman or person shall be deemed and taken to be an offender within the meaning of this Act, and shall for every such offence forfeit any sum not exceeding twenty pounds nor less than ten pounds.

Witnesses  
refusing to  
attend the  
justices to  
forfeit 10*l*.

XVI. AND be it further enacted, that it shall and may be lawful for any justice of the peace before whom complaint shall be made for any offence against this Act to summon such person or persons, other than the party or parties complained against, as he shall think proper, to appear before him at a day certain, then and there to give evidence touching any offence committed against this Act; and in case such person or persons shall wilfully refuse or neglect to attend or give evidence touching such offence, he, she or they shall forfeit the sum of ten pounds, and in default of payment thereof, or in case of inability to pay the same, shall stand committed to the common gaol or house of correction for any time not exceeding three calendar months nor less than one calendar month, unless the said penalty shall be sooner paid.

\* \* \* \* \*

XVIII. AND be it further enacted by the authority aforesaid, that if any person or persons shall at any time or times be sued, molested or prosecuted for any thing by him, her or them done or executed in pursuance of this Act, or of any clause, matter or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence; and if upon the trial a verdict shall pass for the defendant or defendants or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him, her or them against such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue.

Treble costs.

## CHAPTER LXXVII.

AN ACT to limit a Time for the Repayment of the Duties on Male Servants and Carriages by the Commissioners of Excise, and also on Horses, Waggons, Wains and Carts by the Commissioners of Stamps, and for the Amendment of several Laws relating to the Duties under the Management of the Commissioners of Excise.

\* \* \* \* \*

Preamble.

VIII. AND whereas many traders subject to the survey of the officers of excise and inland duties respectively are severally required by the laws concerning the duties under the management of the commissioners of excise to keep just and sufficient scales and weights at the place or places wherein they carry on their respective trades, to be used in taking the account of the stocks of such traders, who are by the said laws respectively required to be aiding and assisting such officers in taking such account: And whereas it frequently happens that evil disposed persons who are subject to such survey as aforesaid have frequently hindered and prevented such officers from taking

a just and true account of such stock by concealing heavy or other substances in the commodities belonging to and part of such stock so to be weighed and taken account of by such officers, or by some art, device or contrivance have prevented and hindered the said officers from taking such account by the means aforesaid, although the scales and weights have been in themselves just and sufficient: For remedy whereof, be it enacted by the authority aforesaid, that if at any time or times after the first day of August one thousand seven hundred and eighty-six any trader or traders subject to the survey of any officer or officers of the excise or inland duties, and who is or are required by any law or laws relating to the duties of excise or other duties under the management of the commissioners of excise to keep just scales and weights, shall before or after or in the weighing of his, her or their stock or any part thereof put or suffer or cause or procure to be put any other substance into the commodity or stock so to be weighed, whereby such officer or officers might be hindered or prevented from taking a just and true account of such stock as is directed and prescribed by the several Acts of Parliament in that case made and provided, or shall forcibly obstruct or hinder or shall by any art, device or contrivance prevent or impede such officer, or procure or suffer him to be prevented or impeded in taking such just and true account of such stock or commodities as aforesaid, the party offending therein shall for every such offence forfeit and lose the sum of one hundred pounds.

Persons using any art to deceive excise officers in taking the weight of stocks, &c. to forfeit 100*l*.

XII. AND be it further enacted by the authority aforesaid, that if upon the trial of any indictment, information, action, suit or prosecution whatsoever, or in any proceedings relative thereto, any question shall arise whether any person be an officer of any branch of his Majesty's revenues, or commissioned or deputed to act as such, proof shall and may be made and admitted that such person was reputed to be or had as such exercised such office or acted under such commission or deputation at the respective time and times when the matter or matters in controversy upon such trial or trials or other proceedings shall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular commission, deputation or other authority whereby such officer was constituted and appointed; and that in every such case such proof shall be deemed and taken by all judges, justices or commissioners before whom any such trial or proceeding shall be had to be good and legal evidence, unless by other evidence the contrary shall be made to appear, any law or usage to the contrary thereof notwithstanding.

Proof to be admitted of revenue officers having acted as such, without producing their particular appointments.

XIX. AND be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures imposed by this Act shall be sued for, recovered, levied or mitigated by such ways, means or methods, as any fine, penalty or forfeiture may be sued for, recovered, levied or mitigated by any law or laws of excise, or by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster or in the Court of Exchequer in Scotland respectively; and that one moiety of every such fine, penalty or forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover or sue for the same.

Penalties and forfeitures how to be recovered and applied.

## CHAPTER C.

AN ACT to prevent occasional Inhabitants from voting in the Election of Members to serve in Parliament for Cities and Boroughs in that Part of Great Britain called England and the Dominion of Wales.

Preamble.

WHEREAS it frequently happens in cities and boroughs where the right of election of members to serve in Parliament is in the inhabitants paying scot and lot, or in the inhabitants householders, housekeepers and pot-wallers legally settled, or in the inhabitants householders, housekeepers and potwallers, or in the inhabitants householders resiants, or in the inhabitants within such cities or boroughs, that much trouble, expence and litigation is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs and to whom the right of sending members to Parliament belongs: For remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August one thousand seven hundred and eighty-six no person shall be admitted to vote at any election of a member or members to serve in Parliament for any city or borough of that part of Great Britain called England, or the dominion of Wales, as an inhabitant paying scot and lot, or as an inhabitant householder, housekeeper and pot-waller legally settled, or as an inhabitant householder, housekeeper and pot-waller, or as an inhabitant householder resiant, or as an inhabitant of such city or borough, unless he shall have been actually and bona fide an inhabitant paying scot and lot, or an inhabitant householder, housekeeper and pot-waller legally settled, or an inhabitant householder, housekeeper and pot-waller, or an inhabitant householder resiant, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election contrary to the true intent and meaning of this Act, his vote shall be deemed null and void, and he shall forfeit to any person who shall sue for the same the sum of twenty pounds, to be recovered by him or her by action of debt in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege or imparlance shall be admitted or allowed, and in every such action the proof of inhabitancy as aforesaid shall lie upon the person against whom the same shall be brought: Provided nevertheless, that such action be commenced within six calendar months after the cause of action accrued: Provided also, that nothing in this Act contained shall extend or be construed to extend to any person acquiring the possession of any house in any city or borough by descent, devise, marriage or marriage settlement, or promotion to any office or benefice.

From Aug. 1, 1786, any person voting as an inhabitant paying scot and lot, &c. who shall not have been so 6 months previous to the election, to forfeit 20*l*.

and his vote to be void.

This Act not to extend to persons acquiring possession by descent, &c.;

nor to persons claiming a right to vote under any other description than inhabitants paying scot and lot, &c.

II. PROVIDED also, and be it further enacted, that this Act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers and potwallers legally settled, or as inhabitants householders, housekeepers and potwallers, or as inhabitants householders resiants, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in Parliament for such cities or boroughs by any other title or by any other superadded qualification.

## 27 GEORGE III. A.D. 1787.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
 A.D. 1784,  
 IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTY-THIRD DAY OF JANUARY, A.D. 1787,  
 BEING THE FOURTH SESSION OF THE SIXTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER XXXI.

AN ACT for making Allowances to the Dealers in Foreign Wines for the Stock of certain Foreign Wines in their Possession at a certain time upon which the Duties on Importation have been paid, and for amending several Laws relative to the Revenue of Excise.

\* \* \* \* \*

XXV. AND whereas by the said Act for regulating the production of manifests<sup>[a]</sup> certain oaths are required to be taken by persons who export to foreign parts from Great Britain any goods whatever which are intitled either to drawback or bounty upon exportation: And whereas no power is given by the said Act to the collectors or other officers of excise, in cases where any goods intended to be exported upon drawback or bounty are subject to any duty of excise or other duty under the management of the said commissioners of excise respectively, to administer the said oaths required to be taken by the said Act, and it is expedient that such power should be given: Be it therefore enacted by the authority aforesaid, that in all cases where any goods intended to be exported upon drawback or bounty shall be subject to any duty of excise or other duty under the management of the said commissioners of excise respectively, the respective oaths required by the said Act to be taken upon the exportation thereof shall and may be taken before the respective collectors or other officers of excise appointed for that purpose, who is and are hereby authorised to administer the same.

\* \* \* \* \*

Officers of excise may administer the oaths required under Act 26 Geo. 3. c. 40. on the exportation of goods entitled to drawbacks or bounties.

## CHAPTER XLIV.

AN ACT to prevent frivolous and vexatious Suits in Ecclesiastical Courts.

WHEREAS it is expedient to limit the time for the commencement of certain suits in the ecclesiastical courts: . . . . . Preamble.

II. AND be it further enacted by the authority aforesaid, that no suit shall be commenced in any ecclesiastical court for fornication or incontinence, or for striking or brawling in any church or church-yard, after the expiration of eight calendar months from the time when such offence shall have been committed, nor shall any prosecution be commenced or carried on for fornication at any time after the parties offending shall have lawfully intermarried.

Limitation of suits in ecclesiastical courts.

[<sup>a</sup> i.e., 26 Geo. 3. c. 40.]

## 28 GEORGE III. A.D. 1787-8.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
 A.D. 1784,  
 IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTY-SEVENTH DAY OF NOVEMBER, A.D. 1787,  
 BEING THE FIFTH SESSION OF THE SIXTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER VII.

AN ACT to amend and render more effectual an Act made in the Fifteenth Year of his late Majesty King George the Second, intituled "An Act  
 " to prevent the counterfeiting of Gold and Silver Lace, and for settling  
 " and adjusting the Proportions of fine Silver and Silk, and for the  
 " better making of Gold and Silver Thread."

Preamble.  
 15 Geo. 2.  
 [c. 20.]

**W**HEREAS by an Act made in the fifteenth year of the reign of his late Majesty King George the Second (intituled An Act to prevent the counterfeiting of gold and silver lace, and for settling and adjusting the proportions of fine silver and silk, and for the better making of gold and silver thread) it is (amongst other things) enacted, that from and after the first day of July one thousand seven hundred and forty-two all copper, brass and every other metal inferior to silver shall be spun upon thread, yarn or inkle only, and not spun, mixed, wove, wrought or set upon silk, upon pain that each and every person offending therein shall forfeit and pay the sum of five shillings for each and every ounce so spun, mixed, wove, wrought or set upon silk : And whereas, notwithstanding the said recited Act, great frauds have been committed by copper or other base metal being woven or mixed with silk and worked up in imitation of gold lace, and it hath also been a practice for persons to gild and silver copper, brass or other base metal, and to spin or weave the same upon silk, thread, yarn or inkle, and to work up the same in imitation of and to mix the same with gold and silver lace, fringe, cord, embroidery, tambour work and buttons, which have been so exactly counterfeited that the publick have been greatly imposed upon thereby, which tends to the discouragement as well of the manufacture as of the exportation thereof, and to the use and wear thereof at home, to the great diminution of the bullion of this kingdom, inasmuch as whatever is used in gilding or silvering copper is never recovered, and also in diminution of his Majesty's revenue : For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all copper, brass and every other metal inferior to silver shall be spun upon thread, yarn or inkle only, and not spun, mixed, woven, wrought or set upon silk ; and that no person or persons whomsoever shall sell or offer or expose to sale or export any copper, brass or other metal inferior to silver which

All base metal  
 to be spun upon  
 thread, yarn, or  
 inkle only,

shall be spun, mixed, woven, wrought or set upon silk; upon pain that each and every person offending therein shall forfeit and pay the sum of five pounds for one ounce or any quantity less than one ounce, and the further sum of five pounds per ounce for each and every quantity exceeding one ounce, which shall be so spun, mixed, woven, wrought or set upon silk or sold or offered or exposed to sale or exported as aforesaid, to be recovered and disposed of as herein-after is mentioned, and for default of paying down the penalty upon conviction shall be committed by the court in which judgement shall be given thereon to the house of correction for the county, city, liberty or place where such person or persons shall be so convicted, there to remain and to be kept to hard labour for any time not exceeding the space of six months nor less than three months, or until payment be made of the said penalty; and also upon pain that all such copper, brass or other metal inferior to silver which shall be so spun, mixed, woven, wrought or set upon silk or sold or offered or exposed to sale or exported as aforesaid shall be forfeited, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall sue for the same.

on penalty of  
5*l.* per ounce,

and forfeiture  
of the metal.

II. AND be it further enacted by the authority aforesaid, that from and after the passing of this Act no metal inferior to silver which shall be gilt and drawn into wire or flatted into plate shall be spun or wrought into or upon or mixed with lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or set upon silk or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or in imitation of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or of any of the materials used or to be used in the making or manufacturing thereof or of any of them; and that no person or persons whomsoever shall sell or offer or expose to sale or export any metal inferior to silver which shall be gilt and drawn into wire or flatted into plate, and spun or woven or wrought into or upon or mixed with lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or set upon silk or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory as aforesaid, or which shall imitate or be meant or intended to imitate lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or any of the materials used or to be used in the making or manufacturing thereof or of any of them; upon pain that each and every person offending therein shall forfeit and pay the sum of five pounds for one ounce or any quantity less than one ounce, and the further sum of five pounds per ounce for each and every quantity exceeding one ounce, which shall be so spun or wrought into or upon or mixed with lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or set upon silk or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or in imitation of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace

No gilt base  
metal to be  
drawn or flatted  
for making  
lace, &c.;

or sold when  
so drawn or  
flatted, &c.;

on penalty of  
5*l.* per ounce,

and forfeiture  
of the metal.

manufactory, or of any of the materials used or to be used in the making or manufacturing thereof or of any of them, or sold or offered or exposed to sale or exported as aforesaid, and for default of paying down the penalty on conviction shall be committed by the court in which judgement shall be given thereon to the house of correction for the county, city, liberty or place where such person or persons shall be so convicted, there to remain and to be kept to hard labour for any time not exceeding the space of six months nor less than three months, or until payment be made of the said penalty; and also upon pain that all such metal inferior to silver which shall be gilt and so spun or wrought into or upon or mixed with lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or set upon silk or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or in imitation of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or of any of the materials used or to be used in the making or manufacturing thereof or of any of them, or sold or offered or exposed to sale or exported as aforesaid, shall be forfeited, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall sue for the same.

Proportion of  
fine silver to be  
used in the  
copper wire,  
&c. ;

III. AND be it further enacted by the authority aforesaid, that from and after the passing of this Act no copper, brass or other metal which shall be silvered and drawn into wire or flatted into plate or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or in imitation of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or of any of the materials used or to be used in the making or manufacturing thereof or of any of them, shall hold more or bear a higher or greater proportion than three pennyweight of fine silver upon or to the pound weight avoirdupois of such copper, brass or other metal; and that no person or persons whomsoever shall sell or offer or expose to sale or export any copper, brass or other metal which shall be silvered and drawn into wire or flatted into plate or made into bullion, spangles or purl or any other materials used or to be used in the making or manufacturing of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or in imitation of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory, or of any of the materials used or to be used in the making or manufacturing thereof or of any of them, and which shall hold more or bear a higher or greater proportion than three pennyweight of fine silver upon or to the pound weight avoirdupois of such copper, brass or other metal; upon pain that each and every person offending therein shall forfeit and pay the sum of five pounds for one ounce or any quantity less than one ounce, and the further sum of five pounds per ounce for each and every quantity exceeding one ounce, which shall hold more or bear a higher or greater proportion than three pennyweight of fine silver upon or to the pound weight avoirdupois of such copper, brass or other metal, or shall be sold or offered or exposed to sale or exported as aforesaid, and for default of paying down the penalty upon

on penalty of  
5*l.* per ounce,



conviction shall be committed by the court in which judgement shall be given thereon to the house of correction of the county, city, liberty or place where such person or persons shall be so convicted, there to remain and be kept to hard labour for any time not exceeding the space of six months nor less than three months, or until payment be made of the said penalty ; and also upon pain that all such copper, brass or other metal which shall hold more or bear a higher or greater proportion than three pennyweight of fine silver upon or to the pound weight avoirdupois of such copper, brass or other metal, or be sold or offered or exposed to sale or exported as aforesaid, shall be forfeited, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall sue for the same.

and forfeiture  
of the metal.

IV. AND be it further enacted by the authority aforesaid, that from and after the passing of this Act no copper, brass or other metal inferior to silver, whether the same be gilt or silvered or stained or coloured or otherwise, shall be worked up or mixed with gold or silver in any manufacture of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory ; and that no person or persons whomsoever shall sell or offer or expose to sale or export any copper, brass or other metal inferior to silver, whether the same be gilt or silvered or stained or coloured or otherwise, which shall be worked up or mixed with gold or silver in any manufacture of lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory ; upon pain that each and every person offending therein shall forfeit and pay the sum of five pounds for one ounce or any quantity less than one ounce, and the further sum of five pounds per ounce for each and every quantity exceeding one ounce, of such lace, fringe, cord, embroidery, tambour work or buttons made in the gold and silver lace manufactory which shall be so worked up or mixed, or sold or offered or exposed to sale or exported as aforesaid, and for default of paying down the penalty upon conviction shall be committed by the court in which judgement shall be given thereon to the house of correction for the county, city, liberty or place where such person or persons shall be convicted, there to remain and be kept to hard labour for any time not exceeding the space of six months nor less than three months, or until payment be made of the said penalty ; and also upon pain that all such lace, fringe, cord, embroidery, tambour work or buttons which shall be so worked up or mixed, or sold or offered or exposed to sale or exported as aforesaid, shall be forfeited, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons as shall sue for the same.

No base metal  
to be mixed  
with gold or  
silver lace, &c. ;

or sold when  
so mixed ;

on penalty of  
5*l.* per ounce,

and forfeiture  
of the metal.

V. AND be it further enacted by the authority aforesaid, that all forfeitures and pecuniary penalties hereby imposed shall be divided and distributed in manner following ; (that is to say,) one moiety thereof shall belong to the King's Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same in any of his Majesty's courts of record at Westminster by action of debt, bill, plaint or information, wherein no essoin, protection, privilege or wager of law nor more than one imparlance shall be allowed.

Forfeitures to  
go, half to the  
King and half  
to the informer.

VI. AND be it further enacted by the authority aforesaid, that if any person or persons shall be sued or prosecuted for what he or they shall do in the execution of this Act, he or they may plead the general issue and give this Act and the special matter in evidence ; and if the plaintiff or plaintiffs shall become

Persons sued  
may plead the  
general issue,

and recover  
treble costs.

Limitation of  
actions for  
penalties.

Publick Act.

nonsuit or shall discontinue his or their action or actions, or if a verdict shall pass for the defendant or defendants, then such defendant or defendants shall recover treble costs, for which there shall be the like remedy as in other cases where costs are allowed to defendants. [Rep., 5 & 6 Vict. c. 97. s. 2.]

VII. PROVIDED always, that every action, bill, plaint or information to be had, brought, sued, commenced or exhibited for any penalty or forfeiture incurred for or by reason of any offence committed against this Act shall be had, brought, commenced, sued or exhibited within six calendar months next after the offence committed or after the discovery thereof.

VIII. AND be it further enacted by the authority aforesaid, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

## CHAPTER XXIX.

AN ACT to enable the East India Company to borrow a further Sum of Money upon Bond.

Preamble.

East India  
Company im-  
powered to  
borrow  
1,200,000*l.* on  
bond beyond  
what they may  
now legally  
borrow.

WHEREAS it is expedient, in consideration of the present state of the affairs of the United Company of Merchants of England trading to the East Indies, that the said company should be enabled to issue bonds for the purposes of their trade, and for discharging sundry demands to which they are liable to a larger amount than they are now by law authorised to do: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said united company to borrow money upon and issue bonds under their common seal as the affairs of the said united company may require, not exceeding the sum of one million two hundred thousand pounds beyond the sum for which the said united company may now by law issue their bonds.

## CHAPTER XXXVII.

AN ACT for repealing the Duties on Buck or Deer Skins undressed, Buck or Deer Skins Indian half-dressed, and Elk Skins undressed, imported, and on Hides and Skins dressed in Oil in this Kingdom, and for granting other Duties in lieu thereof; for laying a Duty on Stuffs printed, painted, stained or dyed in Great Britain; allowing Deer and other Skins the Produce of Florida to be sold by Auction, free from the Duty charged on such Sales; for amending several Laws relative to the Revenue of Excise; and to prevent the Sale of Sweets for Consumption in the Houses of Retailers thereof who shall not have Licences to sell Beer or Ale.

\* \* \* \* \*

10 Geo. 3.  
c. 44.

XV. AND whereas by an Act made in the tenth year of the reign of his present Majesty (intituled An Act for more effectually preventing traders in exciseable commodities from using false weights and scales, and for explaining and amending several Acts of Parliament relating to hackney coaches and chairs) it is enacted, that if at any time after the twenty-fourth day of June

one thousand seven hundred and seventy any trader subject to the survey of any officer of excise, and required by the laws concerning the duties under the management of the commissioners of excise to keep sufficient and just scales and weights, should in the weighing his, her or their stock or stocks make use of or cause or procure or suffer to be used any false, unjust or insufficient scales or weights, to the intent to defraud his Majesty of the duties by the said laws respectively granted, that then and in every such case the party or parties offending shall forfeit the sum of one hundred pounds for every such offence: And whereas it is difficult to prove that such scales or weights are false, unjust or insufficient, by reason that the same are not forfeited nor the officers of excise authorized by law to seize the same, and it is therefore expedient to forfeit the same and to authorize such officers to seize the same: Be it therefore enacted by the authority aforesaid, that if any trader subject to the survey of any officer of excise, and required by the laws concerning the duties under the management of the commissioners of excise to keep sufficient and just scales and weights, shall in the weighing his, her or their stock or stocks make use of or cause or procure or suffer to be used any false, unjust or insufficient scales or weights, to the intent to defraud his Majesty of the duties by the said laws respectively granted, such scales and weights respectively shall be forfeited, and shall and may be seized by any officer or officers of excise.

Unjust scales or weights used in weighing stock, to defraud his Majesty, may be seized by any officer of the excise.

\* \* \* \* \*

#### CHAPTER LV.

AN ACT for the better and more effectual Protection of Stocking Frames and the Machines or Engines annexed thereto or used therewith, and for the Punishment of Persons destroying or injuring of such Stocking Frames, Machines or Engines, and the Framework-knitted Pieces, Stockings and other Articles and Goods used and made in the Hosiery or Framework-knitted Manufactory, or breaking or destroying any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frame.

**W**HEREAS the frames for making of framework-knitted pieces, stockings and other articles and goods in the hosiery or framework-knitted manufactory are very valuable and expensive machines, and generally the property of the hosier or manufacturer who lets the same to hire to his workmen or framework knitters, and it hath frequently happened that the hosier or manufacturer being the owner or employer of such frame or frames, and having so put and let the same out to hire, and wanting for the accommodation of his trade and business to take and remove such frame or frames from the use and possession of one workman into the hands and custody of another, and having for such purpose given the customary and usual notice to the workman in whose hands or custody such frame was, so to deliver up the same, such workman hath wilfully detained and withheld the same, and sometimes absolutely and unlawfully sold and disposed thereof, to the great grievance, inconvenience and loss of such hosier or manufacturer: And whereas it hath frequently happened, when discontents have arisen amongst the framework knitters, that they and other disorderly persons have assembled

Preamble.

Framework  
knitters hiring  
frames, and re-  
fusing to return  
them on 14  
days notice, to  
forfeit 20s.;

and if for-  
feiture not  
immediately  
paid and  
frames returned  
in 6 days after  
conviction, to  
be imprisoned  
not more than  
three months  
nor less than  
one.

Persons so  
hiring frames,  
and selling  
them, to be  
imprisoned not  
less than three  
nor more than  
twelve months;

in a riotous and tumultuous manner, and have destroyed or materially damaged great numbers of stocking frames and the machines or engines thereto annexed or used therewith, and committed great violences and outrages upon many of his Majesty's good subjects; wherefore it is necessary that more effectual provision should be made against such unlawful practices, and for preventing such violences and outrages for the future, and for bringing all offenders in the premises to more speedy and exemplary justice: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any framework knitter or framework knitters who shall or may rent or take by the hire any stocking frame or frames, either with or without any machine or engine thereto annexed or therewith to be employed, of and from any person or persons whomsoever, shall at any time from and after the passing of this Act refuse to yield up and re-deliver such frame or frames with the machine or engine therewith let (if any such there shall be) to the person or persons of whom he or they shall or may so rent the same, having received from such person or persons fourteen days previous notice for such purpose, then and in every such case the person so offending, being thereof lawfully convicted by the oath or (if the owner or employer thereof be of the people called Quakers) solemn affirmation of the owner or employer of such frame or frames, or by the oath or affirmation of any other credible witness or witnesses, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place where such offence shall be committed or where the person or persons so charged shall reside or inhabit (which oath or affirmation the said justice or justices is and are hereby impowered and required to administer), the person or persons so offending shall for every such offence forfeit the sum of twenty shillings to and for the use of the poor of the parish where such offence shall be committed; and in case the said forfeiture shall not be immediately paid and the said frame or frames with the machine or engine therewith let (if any such there shall be) delivered up to the owner or owners thereof within six days next after such conviction, the justice or justices before whom such conviction shall be had shall commit the party or parties so convicted to the common gaol or other publick prison of such county, riding, division, city, liberty, town or place, there to remain without bail or mainprize, and be kept to hard labour for any time not exceeding three calendar months nor less than one calendar month.

II. AND be it further enacted by the authority aforesaid, that if any person so renting or taking to hire any stocking frame, with or without any such machine or engine as aforesaid, shall at any time from and after the passing of this Act sell or otherwise unlawfully dispose of any such stocking frame or the machine or engine therewith let (if any such there shall be), without the consent of the owner or owners thereof, every such offender, being thereof lawfully convicted upon any indictment to be found against him, shall suffer solitary imprisonment in the common gaol or house of correction of the county, riding, division, city, liberty, town or place wherein such offence shall have been committed, without bail or mainprize, for a space not less than three calendar months nor exceeding twelve calendar months.

III. AND be it further enacted by the authority aforesaid, that if any person or persons shall wilfully and knowingly receive or purchase any such stocking frame, machine or engine so sold or unlawfully disposed of as aforesaid, contrary to the true intent and meaning of this Act, and shall thereof be lawfully convicted on any indictment to be found against him or them, every such offender or offenders shall be subject to such and the like punishment as by this Act is inflicted or provided to be inflicted on such person so selling or unlawfully disposing of any such stocking frame, machine or engine as aforesaid.

\* \* \* \* \*

## CHAPTER LVI.

AN ACT to repeal an Act made in the Twenty-fifth Year of the Reign of his present Majesty, intituled "An Act for regulating Insurances on Ships, " and on Goods, Merchandizes or Effects," and for substituting other Provisions for the like Purpose in lieu thereof.

**W**HEREAS it hath been found by experience that great mischiefs and inconveniencies have arisen to persons interested in ships or vessels, and also to persons using trade or commerce, from the effect of an Act made in the twenty-fifth year of the reign of his present Majesty, intituled "An Act for regulating insurances on ships, and on goods, merchandizes or effects : " And whereas it is highly expedient that other and more convenient provisions should be made for the regulating insurances hereafter to be made on ships, and on goods, merchandizes or effects, than those which are contained and enacted in and by the said Act : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Act made in the twenty-fifth year of the reign of his present Majesty shall be and the same is hereby repealed ; and that from and after the passing of this Act it shall not be lawful for any person or persons to make or effect or cause to be made or effected any policy or policies of assurance upon any ship or ships, vessel or vessels, or upon any goods, merchandizes, effects or other property whatsoever, without first inserting or causing to be inserted in such policy or policies of assurance the name or names or the usual stile and firm of dealing of one or more of the persons interested in such assurance, or without, instead thereof, first inserting or causing to be inserted in such policy or policies of assurance the name or names or the usual stile and firm of dealing of the consignor or consignors, consignee or consignees, of the goods, merchandizes, effects or property so to be insured, or the name or names or the usual stile and firm of dealing of the person or persons residing in Great Britain who shall receive the order for and effect such policy or policies of assurance, or of the person or persons who shall give the order or direction to the agent or agents immediately employed to negotiate or effect such policy or policies of assurance.

II. AND be it further enacted by the authority aforesaid, that every policy and policies of assurance made or underwrote contrary to the true intent and meaning of this Act shall be null and void to all intents and purposes whatsoever.

and persons purchasing them to be liable to the same punishment.

Preamble.

25 Geo. 3. c. 44. recited ;

and repealed. From the passing of this Act no policy to be made on any ship, &c. without inserting thereon the name or names or the firm of dealing of one or more of the persons interested, &c.

Policies made contrary to this Act to be void.

## 29 GEORGE III. A.D. 1789.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
A.D. 1784,  
IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS AND ADJOURNMENTS  
TO THE THIRD DAY OF FEBRUARY, A.D. 1789,  
BEING THE SIXTH SESSION OF THE SIXTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER XLI.

AN ACT for raising a certain Sum of Money by way of Annuities, to be  
attended with the Benefit of Survivorship, in Classes. [A]

Most gracious Sovereign,

Preamble.

1,002,500*l.* to  
be raised by  
annuities, with  
survivorship.

Contributors to  
be at liberty  
till Oct. 10,  
1790, to name  
a life for every  
100*l.* 5*s.* sub-  
scribed, and to  
be entitled to  
an annuity,  
with survivor-  
ship, in classes.

Particulars of  
classes.

**W**E, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in Parliament assembled, towards raising the necessary supplies which we have freely granted to your Majesty in this session of Parliament, have resolved that the sum of one million two thousand five hundred pounds be raised by annuities, with the benefit of survivorship, in classes, in the manner and on the terms expressed in the said resolution; we do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person and persons who shall become contributors towards raising the said sum of one million two thousand five hundred pounds, his, her and their executors, administrators, successors and assigns, shall for every one hundred pounds and five shillings advanced and paid to the cashier or cashiers of the governor and company of the Bank of England be at liberty to name the life of some one person, either of such contributor or some other life, at any time or times on or before the tenth day of October one thousand seven hundred and ninety, in manner herein-after directed, and shall [Rep., Stat. Law Rev. Act, 1871] be intitled from the said tenth day of October one thousand seven hundred and ninety, for and during the life of the nominee who shall be appointed, to an annuity, to be attended with the benefit of survivorship, in classes, in manner following; (that is to say,)

For the life of every person so nominated who shall be under the age of twenty years at the time of such nomination, to an annuity of four pounds three shillings in respect thereof:

For the life of every person so nominated who shall be of the age of twenty years and under the age of thirty years at the time of such nomination, to an annuity of four pounds five shillings and sixpence in respect thereof:

[A] So much of this Act as relates to the management, assignment and payment of the annuities hereby created at the receipt of his Majesty's Exchequer, repealed, and the powers and authorities of the commissioners of the Treasury and of the auditor of the Exchequer, so far as the same were applicable to the management and payment, or to any other matter or thing relating to any life annuities hereby created, determined on and after the 5th July 1832, 2 & 3 Will. 4. c. 59. ss. 1, 17.]

For the life of every person so nominated who shall be of the age of thirty years and under the age of forty years at the time of such nomination, to an annuity of four pounds eight shillings and sixpence in respect thereof:

For the life of every person so nominated who shall be of the age of forty years and under the age of fifty years at the time of such nomination, to an annuity of four pounds thirteen shillings and sixpence in respect thereof:

For the life of every person so nominated who shall be of the age of fifty years and under the age of sixty years at the time of such nomination, to an annuity of five pounds one shilling and sixpence in respect thereof:

And for the life of every person so nominated who shall be of the age of sixty years or upwards at the time of such nomination, to an annuity of five pounds twelve shillings in respect thereof;—

to be paid and payable half-yearly at the receipt of his Majesty's Exchequer on the fifth day of April and the tenth day of October in each year out of the Consolidated Fund, the first half-yearly payment to be due and paid on the fifth day of April one thousand seven hundred and ninety-one: And the several nominees to be appointed in respect of such annuities shall be divided into classes, and upon the death of every nominee the annuity falling in shall be distributed among the several persons interested whose nominees shall survive in the class in which the person dying shall be nominated, till the annuity for any one share of one hundred pounds and five shillings shall by survivorship amount to the sum of one thousand pounds, and so shall continue to be payable for each and every share of one hundred pounds and five shillings during the life of such nominee, and upon the death of any such nominee so intitled to one thousand pounds per annum the said annuity shall cease.

Annuities to be paid half-yearly, the first payment on April 5, 1791.

Annuities falling in by death to be divided among the survivors in the class till the annuity for one share shall amount to 1,000*l*.

\* \* \* \* \*

VIII. AND be it further enacted by the authority aforesaid, that as soon as any contributors, their executors, administrators, successors or assigns, shall have completed their payments of the whole sums payable by them respectively towards raising the said sum of one million two thousand five hundred pounds, all such contributors, their executors, administrators, successors or assigns, shall, upon application to the said cashier or cashiers at any time afterwards, on or before the said tenth day of October one thousand seven hundred and ninety, be intitled to receive from such cashier or cashiers for every entire sum of one hundred pounds and five shillings advanced and paid a certificate under the hand or hands of such cashier or cashiers, directed to the auditor of the receipt of his Majesty's Exchequer, and to be printed or written on cheque paper, and cut out indented through some flourish or device to be contrived by the said cashier or cashiers, which certificate shall contain the names and additions of such respective proprietors; and the said cashier or cashiers is and are hereby required to grant a distinct certificate for every such one hundred pounds and five shillings in manner as aforesaid, which certificates shall and may be assignable, by indorsement thereon to be made and witnessed by two persons, at any time before the said tenth day of October one thousand seven hundred and ninety, for which certificate or assignment no stamp-duty shall be paid [Rep., Stat. Law Rev. Act, 1871]:

After subscriptions are completed, certificates to be granted on application prior to Oct. 10, 1790, to the cashier, which shall be assignable.

IX. AND be it further enacted by the authority aforesaid, that the said respective contributors, or their executors, administrators, successors or assigns, shall on or before the tenth day of October one thousand seven hundred and ninety deliver every such certificate to the said auditor of the receipt of the Exchequer, to be exchanged for orders to be made out in the manner herein-after appointed, and shall also at the same time, by writing on the back of every such certificate, name and describe the person for whose life he, she or they shall desire to have an annuity with the benefit of survivorship, by and under such apt terms and descriptions as will best ascertain the person and

Contributors to deliver certificates to the auditor by Oct. 10, 1790, to be exchanged for orders; and on the back of the certificates

to describe the nominees.

true age of such nominee according to the true intent and meaning of this Act [Rep., Stat. Law Rev. Act, 1871]; . . . . .

\* \* \* \* \*

Any person may be a contributor for as many certificates as he shall think proper. How orders are to be made out for the payment of annuities, &c.

XIII. AND be it further enacted by the authority aforesaid, that any person or persons, natives or foreigners, bodies politick or corporate, or the guardians or trustees herein-after mentioned, may become contributors and proprietors of and deliver to the said auditor as many such certificates as he or they shall think fit; and the said auditor shall, as soon as conveniently may be after such certificate or certificates shall be delivered to him, cause a separate and distinct order to be made out in the Exchequer for the payment of a life annuity, with benefit of survivorship as aforesaid, for every one hundred pounds and five shillings so certified, which orders shall be made out upon vellum or parchment, and shall contain the names, surnames, additions and places of abode of such the respective contributors or proprietors, and also of their respective nominees and the reputed parents of such nominees, and also the true ages of such nominees (to be verified and attested in certain cases in manner herein-after mentioned), with other apt descriptions which shall best ascertain the person and age of such nominees, and also the particular classes in which such nominees are to be placed, and the annuities to which such contributors or proprietors aforesaid shall be entitled; and in the office of the said auditor and also in the office of the clerk of the pells severally there shall be provided and kept one or more book or books in which every such certificate shall be fairly entered as herein-after is mentioned, the said entry to be made previous to the issuing such order by the said auditor; and all such orders shall be signed by the commissioners of the Treasury or any three or more of them, or the high treasurer for the time being, and after signing thereof the same shall be firm, good, valid and effectual in law according to the purport and true meaning thereof and of this Act, and shall not be determinable by or upon the deaths or removals of any commissioner or commissioners of the Treasury or high treasurer, nor shall they or any of them have power to revoke, countermand or make void such orders so signed as aforesaid, except in the cases herein-after mentioned.

\* \* \* \* \*

Orders for annuities to be made out in classes as follows:

XXI. AND be it further enacted by the authority aforesaid, that every such order which shall be made out at the Exchequer for the payment of any annuity for the life of any person nominated in manner herein-before mentioned, and the nominees named therein, and the annuities payable upon their lives, shall be formed by the said auditor into classes according to the respective ages of such nominees, and all the orders of each class shall be numbered in arithmetical progression according to the course in which such orders shall be made out, beginning each class with the order number one, and proceeding arithmetically to the next succeeding orders of each respective class until the whole shall be duly ranked and classed in manner following; (that is to say,)

First class.

The nominees mentioned in such orders who shall be under the age of twenty years at the time of such nomination, and the annuities payable upon their lives in respect thereof, shall form the first class:

Second class.

The nominees mentioned in such orders who shall be of the age of twenty years and under the age of thirty years at the time of such nomination, and



the annuities payable upon their lives in respect thereof, shall form the second class :

The nominees mentioned in such orders who shall be of the age of thirty years and under the age of forty years at the time of such nomination, and the annuities payable upon their lives in respect thereof, shall form the third class :

The nominees mentioned in such orders who shall be of the age of forty years and under the age of fifty years at the time of such nomination, and the annuities payable upon their lives in respect thereof, shall form the fourth class :

The nominees mentioned in such orders who shall be of the age of fifty years and under the age of sixty years at the time of such nomination, and the annuities payable upon their lives in respect thereof, shall form the fifth class :

And the nominees mentioned in such orders who shall be of the age of sixty years or upwards at the time of such nomination, and the annuities payable upon their lives in respect thereof, shall form the sixth class.

XXII. PROVIDED always, and be it further enacted, that if any of the said contributors, his, her or their executors, administrators, successors or assigns, shall at the time of his, her or their appointing any nominee or nominees as aforesaid, by any writing under his, her or their hand or hands, signify to the said auditor of the said receipt of the Exchequer a desire that such his, her or their nominee or nominees, being of the age of twenty years or upwards, may notwithstanding such their respective ages be placed in the first of the said classes, then it shall be lawful for the said auditor to class every such nominee or nominees accordingly, and such and the like annuities at and after the rate of four pounds three shillings for every one hundred pounds and five shillings advanced and paid, to be attended with the like benefit of survivorship, shall in respect thereof in every such case be payable and paid to the persons intitled to the same during the life or lives of such nominee or nominees so appointed and classed, as if such nominee or nominees was or were under the age of twenty years at the time of such nomination, and as any other contributor in the same class shall or may be intitled unto.

XXIII. AND be it further enacted by the authority aforesaid, that from time to time, upon the death of each and every nominee in each respective class, the annuity or annuities which shall have been payable in such class during the life of such nominee shall be equally divided amongst the rest of the persons intitled to annuities in the same class whose nominees shall be living, during the lives of their respective nominees, so that from time to time the whole respective annuities or yearly sums of money payable in each class during the lives of the respective nominees shall upon the death of any nominee or nominees be divided and paid amongst the persons intitled to annuities in the same class whose nominees shall survive, until such time as each annuity payable to such persons respectively for each share of one hundred pounds and five shillings in such class shall amount to the sum of one thousand pounds, after which time there shall be no more benefit or advantage of survivorship, nor shall any greater annuity than the sum of one thousand pounds be paid or payable to any person or persons in any such class in respect of any such one share of one hundred pounds and five

Third class.

Fourth class.

Fifth class.

Sixth class.

Nominees of the age of 20 or upwards may be placed in the first class.

Annuities falling in by death to be divided among the survivors in the class till each receives 1,000*l.* per share.

shillings, but from time to time the surplus of the annuities payable in such respective class over and above the annuities of one thousand pounds payable during the lives of such nominees who shall survive, and also upon the decease of any such surviving nominee the said increased annuities of one thousand pounds, shall respectively cease and determine.

Books to be kept in the offices of the auditor and clerk of the pells for entering the names of annuitants.

XXIV. AND be it further enacted, that in the offices of the auditor of the receipt of the Exchequer and clerk of the pells severally there shall be provided and kept one or more book or books in which the names of all persons intitled to any annuity, and their nominees during whose lives respectively the said annuities shall be payable, shall be fairly entered, and also a book or books in which the several classes and the names and ages of the persons appointed nominees, and the said annuities, and the names of the persons intitled to such annuities in each class, shall be entered in like manner, which books it shall be lawful for the respective persons intitled to such annuity, their executors, administrators or assigns, from time to time to resort to and to inspect without fee or reward.

Money for payment of annuities to be applied out of the Consolidated Fund.

XXV. AND be it further enacted by the authority aforesaid, that from and out of the monies composing the said fund commonly called The Consolidated Fund, after paying or reserving sufficient to pay all such sums of money as before the passing this Act shall have been directed by any Act or Acts of Parliament to be paid out of the said Consolidated Fund, there shall and may be applied from time to time at the receipt of the Exchequer such sums of money as shall be necessary for payment of the said annuities upon lives in manner as aforesaid.

Annuities may be assigned.

XXVI. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any such contributor or contributors, or his, her or their executors, administrators, successors or assigns, at any time during the life of his, her or their nominee or nominees, by proper words of assignment to be indorsed on his, her or their order or orders, to be witnessed by two persons, to assign or transfer his, her or their right, title, interest and benefit of such order or orders to any other person or persons, which being notified in the office of the auditor of the said receipt of the Exchequer the officers there shall cause an entry or memorial thereof to be made in the book of registry for such orders without fee or charge, and after such entry made such assignment shall intitle such assignee or assignees, his, her or their executors, administrators, successors or assigns, to the benefit thereof and payment thereon; and such assignee or assignees may in like manner assign again, and so toties quoties; and afterwards it shall not be in the power of such person or persons who shall make such assignment to make void, release or discharge the same or any monies thereby due or any part thereof; and for which assignments no stamp-duty shall be paid.

Certificates of the minister and churchwardens of the life of nominees resident in Great Britain, or oath of the fact, to be produced on application for annuities.

XXVII. AND for preventing all frauds in receiving the said annuities, be it further enacted by the authority aforesaid, that all and every contributor and contributors, his, her or their executors, administrators, successors, assigns or agents, on demand of any half-yearly payment of their respective shares of the said annuities (unless the nominee appears in person at the said receipt), shall produce certificates of the life of his, her or their respective nominees, signed by the minister and churchwardens of the parish where such nominee shall be living upon the day when the said half-yearly payment shall become

due, if such nominee shall be then residing in Great Britain, or otherwise it shall and may be lawful to and for every such contributor or contributors, his, her or their executors, administrators, successors or assigns or agents, at his, her or their election, to make oath of the life of his, her or their respective nominees upon the day when the said half-yearly payment shall become due, before one or more of the judges of his Majesty's courts of record at Westminster, or of the justices of the peace of the respective county, riding, city, town or place wherein such person at the time of making such oath shall reside; and in like manner every such contributor or contributors, his, her or their executors, administrators, successors or assigns, whose nominee shall reside in any town or place being extra-parochial upon the day when any of the said half-yearly payments shall become due, or their agents, shall make a like oath before any justice or justices aforesaid of the life of such nominee on that day, which oaths the said judges or justices of the peace respectively are hereby empowered to administer, and such justice or justices shall make a certificate thereof, for which oath and certificate no fee or reward shall be demanded or any stamp-duty paid; and the said certificates and oaths aforesaid shall be filed in the office of the auditor of the said receipt of the Exchequer.

No fee or stamp-duty to be paid for such certificates or oaths, which are to be filed by the auditor.

XXVIII. AND be it further enacted by the authority aforesaid, that in case any nominee shall at the time of such demand be resident in the kingdom of Ireland, the respective contributors, or their executors, administrators, successors or assigns or agents, shall produce to the said auditor certificates of the life of his, her or their respective nominees under the hand of any one or more of the barons of the Exchequer in such kingdom, who shall certify that upon proof to him or them made upon oath (which proof he and they may take in a summary way) it doth seem probable to him or them that the said nominee is living at the time of such examination; and in case any such nominee shall at the time of such demand be resident in any parts beyond the seas, in any of the dominions of his Majesty, the respective persons intitled to such the respective annuities aforesaid or their agents shall produce to the said auditor certificates of the life of their respective nominees under the hand of the governor or deputy governor of the settlement where such nominees shall be living upon the day when the said half-yearly payment shall become due; and in case any such nominee shall at the time of such demand be resident in any kingdom in Europe under the dominion of any prince in amity with his Majesty, then there shall be produced in like manner certificates of the life of such nominees under the hand of the British minister resident in the place where any such nominees shall be living upon the day when the said half-yearly payment shall become due, which certificates shall also be given without fee or reward; and in case such nominee shall be living at any other place beyond the seas, or in case no British governor or deputy governor or minister respectively shall be resident at the settlement or place where any such nominee shall live, then such persons aforesaid or their agents shall produce to the said auditors certificates of the life of his, her or their respective nominees under the hand and seal of the chief magistrate of any province, city, town or place where any such nominee shall be living upon the day when the said half-yearly payment shall become due as aforesaid.

How certificates of the lives of nominees resident in Ireland or foreign parts are to be vouched.

Every person producing a certificate for payment of an annuity to annex thereto an affidavit made before a baron of the Exchequer.

Nominees applying for annuities may be required to prove their identity by a like affidavit.

Certificates, &c. to be filed by the auditor, without fee or stamp-duty, and to be warrants for payment.

Persons receiving annuities after the death of nominees to forfeit the same and 500*l*.

Contributors to certify the deaths of nominees to the auditor within a month after knowing of such deaths, &c. on penalty of 10*l*., &c.

XXIX. AND be it further enacted by the authority aforesaid, that in all cases where any demand shall be made for payment of any share of the said annuities, and any certificate of the life of any nominee during which such annuity shall be payable shall be produced to the said auditor at the time of such demand, the person or persons making such demand shall also annex to every such certificate an affidavit or solemn affirmation as aforesaid, to be made before one or more of the barons of the Exchequer at Westminster, that he or they doth or do believe that the matters contained in such certificate are true, and that the person described and certified therein is the same person for whose life the said annuity was granted; and if any person as a nominee during whose life any such annuity shall be payable shall personally appear at the receipt of the Exchequer before the said auditor when any half-yearly payment of such annuity hath become due, it shall be lawful for the said auditor (if he shall see occasion) to require such person to produce an affidavit or solemn affirmation made before one of the barons of the Exchequer at Westminster in proof of his identity, and that he is the same person for whose life such annuity was granted, of which oath the said baron shall make a certificate; all which certificates and affidavits or solemn affirmations aforesaid shall be filed in the office of the auditor of the said receipt of the Exchequer, and for which no fee or reward shall be taken nor stamp-duty paid; and every such certificate and affidavit or solemn affirmation being respectively made and filed as aforesaid shall be a sufficient warrant for making the said half-yearly payments to the respective contributors, their executors, administrators, successors, assigns or agents: And if any person or persons for his or their own use or the use of any other shall receive one or more half-yearly payments upon any annuity or annuities for any time beyond the death of the nominee or nominees for whose life or lives the same was or were payable, after the time that the said annuity or annuities ought to cease, such person or persons, knowing such nominee or nominees to be dead, shall forfeit to his Majesty, his heirs and successors, treble the value of the monies so by him, her or them received, and also the further sum of five hundred pounds, whereof one moiety shall go to his Majesty, his heirs and successors, and the other moiety of the said five hundred pounds to him or them who will sue for the same by action of debt, bill, plaint, suit or information, in which no essoin, protection, privilege, wager of law nor more than one imparlance shall be allowed.

XXX. AND be it further enacted by the authority aforesaid, that every contributor or contributors, his, her or their executors, administrators, successors or assigns, within one month after receiving notice of the death of his, her or their respective nominee or nominees, shall certify such death to the auditor of the said receipt of Exchequer for the time being, and shall also within three months after such notice deliver or cause to be delivered up to the said auditor his, her or their order or orders by which he, she and they was and were intitled during the life of such nominee to any share of the said annuities, in case such order or orders be in his, her or their hands or power; and in default thereof such contributor or contributors, his, her or their executors, administrators, successors and assigns, shall forfeit the sum of ten pounds, to be recovered by such action or suit as aforesaid,

and to be had and received for the use of any person who shall sue for the same.

XXXI. AND be it further enacted by the authority aforesaid, that the said annuities shall be free from all taxes, charges and impositions whatsoever, and shall be deemed a personal estate, and in all cases where the same do not depend upon the proprietor's own life shall go to his executors and administrators as personal estate to all intents and purposes, and not be descendable to heirs.

Annuities to be free from taxes, and deemed personal estate.

XXXII. AND be it further enacted by the authority aforesaid, that if any person, who in respect of any such life annuity may be intitled to receive any half-yearly payment thereof, shall at any time neglect to demand the same until within forty days before the expiration of two years from the time when such payment shall have become due, and in case no certificates of the life of any nominee upon whose life the said annuity doth depend shall be produced to the officers of his Majesty's Exchequer, or sufficient proof made thereof according to the rules prescribed by this Act, then and from thenceforth such nominee of whose life no such certificate shall be produced or proof made shall be taken to be dead, and such annuity shall be forfeited, and from thenceforth the same shall be divided from time to time amongst the several persons intitled to annuities upon the death of any nominee in the same class, until such certificate shall be produced or proof made, and so from time to time upon every such default; provided nevertheless, that if such nominee shall afterwards appear to be living, and a demand in due time in manner as aforesaid is made for any following half-yearly payment, the person or persons intitled to the same shall for the future have his share of the said annuities as if such default had not been made.

If annuities are not demanded until within 40 days before two years after any half-yearly payment having become due, and if no certificate of the lives of the nominees shall be produced, such annuities to be divided among the survivors of the class until such certificate be produced, &c.

XXXIII. AND to the intent it may appear and be ascertained upon every half-yearly payment unto and amongst what persons and in what proportions the said annuities are to be distributed, be it enacted, that in the said office of auditor of the receipt every half year, within forty days before the respective days of payment, there shall be made up an account of the said nominees whose deaths are come to knowledge, and of the several persons who have made default in making demand for the space of two years as aforesaid, that so the rest of the proprietors in each such class may have the advantage thereof.

An account to be made up half-yearly of the nominees who have died and of the persons who have not demanded annuities for 2 years.

XXXIV. PROVIDED always, that if any person who may be intitled to receive any such half-yearly payment in respect of any such annuity, or his or her agent or agents, shall within the time herein-before limited for demanding payment of the same, and so from time to time, make oath or a solemn affirmation before one or more of the barons of the Exchequer that to the said deponent or deponents belief the nominee for whose life the said annuity shall be payable at the time when such half-yearly payment became due was living, and that such nominee (if living) is resident in parts beyond the seas, and that he, she or they hath or have not been able to obtain the necessary certificate or documents aforesaid of the existence of his or her life, but hath or have reason to believe that such certificate and documents aforesaid may be obtained within a reasonable time (which time the said baron or barons shall in his or their discretion, according to the circumstances of the case, limit and appoint and from time to time enlarge, as he or they shall see occasion),

On oath being made before a baron of the Exchequer that nominees whose certificates have not been procured are abroad, and that there is reason to believe such certificates may be obtained within a reasonable time,

and on certificate from such baron that it seems probable the nominees were living, the auditor to set apart the annuities on such lives, and pay them on the production of certificates within a limited time, &c.

and such baron or barons shall certify that upon such or other proof on oath it doth seem probable to him or them that the said nominee was living at the time such half-yearly payment became due, (which certificate shall be given and examination made without fee or charge, and shall be filed in the office of the said auditor), then and in every such case it shall be lawful for the said auditor upon the said certificate being so filed from time to time to set apart in the said receipt of the Exchequer all such half-yearly payments as shall have arisen and are payable to any person or persons intitled to any annuity during the life of any such nominee of whose life no such certificate shall be produced or proof made as aforesaid; and in case such nominee shall, within the time or times respectively limited or appointed by the said baron or barons for the production of such certificate or other proof of his or her existence, appear to be living or to have been living at the time or times any such half-yearly payments of the said annuities became payable, the said auditor shall upon demand thereof pay the said annuities to the respective persons intitled to receive the same as if such default had not been made; but otherwise the same shall be divided and paid to and amongst the several persons who shall be intitled to annuities in the same class, at the expiration of the time or times so limited or appointed by the said baron or barons for the purpose aforesaid, in such proportions as the rest of the annuities in such class are payable.

\* \* \* \* \*

Treasury to print and publish on May 20, 1792, and so yearly, a list of the nominees, &c. to be distributed among the persons intitled to annuities.

XXXVII. AND be it further enacted by the authority aforesaid, that the commissioners of his Majesty's Treasury or any three or more of them or the high treasurer for the time being shall on the twentieth day of May one thousand seven hundred and ninety-two or as soon after as conveniently may be in that year, and afterwards from time to time on the twentieth day of May in every year or as soon after as conveniently may be in every such year, so long as any nominee or nominees for whose life or lives any annuity or annuities shall be payable at the said receipt of the Exchequer in pursuance of this Act shall be living, cause to be printed and published a list or schedule wherein shall be entered under proper titles and in proper columns the names, surnames and additions of all and every the nominees aforesaid on whose lives any such annuities shall depend, and also of their reputed parents and the respective ages of such nominees, together with the places of their respective births and residence, and all alterations and additions which from time to time ought to be made therein by reason of the deaths of any nominee or nominees within the year previous to such publication, and also all defaults made in demanding payment of any of the said annuities within the times herein-before limited, as far as the several matters aforesaid or any of them shall or may have come to the knowledge of the said commissioners of the Treasury or high treasurer for the time being, or any of the officers of the said receipt of the Exchequer; and the said commissioners of the Treasury or the high treasurer for the time being shall from time to time cause a sufficient number of the said lists or schedules to be deposited at some convenient place or places in the cities of London or Westminster (whereof notice shall from time to time be given in the London Gazette), to be distributed amongst the several persons lawfully intitled to any share or shares in the said annuities by some person or persons to be appointed by the said commissioners of the Treasury or the high treasurer respectively for that

purpose ; and he and they so to be appointed is and are hereby respectively required from time to time yearly and every year to deliver (gratis) to every person or persons so intitled, or to his, her or their agent or agents, upon demand, one of the said lists or schedules, to the intent that the several nominees may be known, and that there may be no concealment of the death of any of them, so that the persons intitled to the said annuities whose nominees shall survive may have the benefit thereof.

\* \* \* \* \*

**XL. AND** be it further enacted by the authority aforesaid, that if any person or persons shall be sued, molested or prosecuted for any thing done by virtue or in pursuance of this Act, such person or persons shall and may plead the general issue, and give this Act and the special matter in evidence in his, her or their defence or defences ; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her or their action or actions or be nonsuited, or judgement shall be given against him, her or them upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her or them against any such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

General issue.

Treble costs.

## CHAPTER XLVI.

**AN ACT** for preventing the wilfully burning or destroying Ships, and the wilfully and maliciously destroying any Woollen, Silk, Linen or Cotton Goods, or any Implements prepared for or used in the Manufacture thereof, in that part of Great Britain called Scotland.

**WHEREAS** doubts have arisen whether an Act made in the fourth year of the reign of his Majesty King George the First, for inflicting the punishment of death on such as shall wilfully burn or destroy ships, and another Act made in the eleventh year of the reign of his said Majesty King George the First for explaining and amending the same, and an Act made in the twenty-second year of his present Majesty for punishing persons wilfully and maliciously destroying any woollen, silk, linen or cotton goods, or any implements prepared for or used in the manufacture thereof, do extend to that part of Great Britain called Scotland, or in what manner and to what extent persons guilty of the said crimes may be convicted and punished there : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any owner of or captain, master, officer or mariner belonging to any ship or vessel shall after the first day of September in the year one thousand seven hundred and eighty-nine wilfully cast away, burn or otherwise destroy the ship or vessel of which he is owner or to which he belongeth, or in anywise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath or shall underwrite any policy or policies of insurance thereon, or of any merchant or merchants that shall load goods therein, or of any owner or owners of such ship or vessel, the person or persons offending therein, being thereof lawfully convicted before any court competent to the trial of such crimes in that part of Great Britain called Scotland, shall suffer death as in other cases of capital crimes.

Preamble.

4 Geo. 1. [c. 12.]

11 Geo. 1.  
[c. 29.]

22 Geo. 3. c. 40.

After Sept. 1,  
1789, any  
owner, &c.  
destroying any  
vessel with  
intent to  
defraud under-  
writers, &c.,  
and being  
thereof con-  
victed in Scot-  
land, to suffer  
death ;

as also persons  
entering  
forcibly into  
any house with  
intent to  
destroy any  
woollen goods  
in the loom,  
&c.;

II. AND be it enacted by the authority aforesaid, that if any person or persons shall after the first day of September in the year one thousand seven hundred and eighty-nine, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any serge or other woollen goods in the loom or any tools employed in making thereof, or shall wilfully and maliciously cut or destroy any such serges or woollen goods in the loom or on the rack, or shall burn, cut or destroy any rack on which any such serges or other woollen goods are hanged in order to dry, or shall wilfully and maliciously break or destroy any tools used in the making any such serges or other woollen goods, not having the consent of the owner so to do, every such offender, being thereof lawfully convicted in that part of Great Britain called Scotland before the Court of Justiciary or any circuit court, shall suffer death as in other cases of capital crimes.

and likewise  
persons forcibly  
entering into  
any house with  
intent to  
destroy any  
velvet, &c. in  
the loom, &c.;

III. AND be it further enacted by the authority aforesaid, that if any person or persons shall after the first day of September one thousand seven hundred and eighty-nine, by day or by night, break into any house or shop, or enter by force into any house or shop, with intent to cut or destroy any velvet, wrought silk or silk mixed with any other materials, or other silk manufacture in the loom, or any warp or shute, tools, tackle or utensils, or shall wilfully and maliciously cut or destroy any velvet, wrought silk or silk mixed with any other materials, or other silk manufacture in the loom, or any warp or shute, tools, tackle or utensils prepared or employed in or for the making thereof, or shall wilfully or maliciously break or destroy any tools, tackle or utensils used in or for the weaving or making of any such velvet, wrought silks or silks mixed with any other materials, or other silk goods or silk manufacture, not having the consent of the owner so to do, every such offender, being thereof lawfully convicted as aforesaid in that part of Great Britain called Scotland, shall suffer death as in other cases of capital crimes.

and also per-  
sons so entering  
with intent  
to destroy any  
linen or cotton  
in the loom,  
&c.

IV. AND be it further enacted by the authority aforesaid, that if any person or persons shall, by day or by night, after the first day of September one thousand seven hundred and eighty-nine, break into any house or shop, or enter by force into any house or shop, with intent to cut and destroy any linen or cotton, or linen and cotton mixed with any other materials, or other linen or cotton manufactures in the loom, or any warp or shute, tools, tackle or utensils, or shall wilfully and maliciously cut or destroy any linen or cotton, or linen or cotton mixed with any other materials, or other linen and cotton manufacture in the loom, or any warp or shute, tools, tackle and utensils prepared for or employed in the making thereof, or shall wilfully and maliciously break and destroy any tools, tackle or utensils used in or for the carding, spinning, weaving, preparing or making in any way whatever any such linen or cotton, or linen or cotton mixed with any other materials, or other linen and cotton goods or linen and cotton manufactures whatsoever, not having the consent of the owner so to do, every such offender, being thereof lawfully convicted as aforesaid in that part of Great Britain called Scotland, shall suffer death as in other cases of capital crimes.



## CHAPTER LXV.

AN ACT to enable the East India Company to raise Money by further increasing their Capital Stock.

**WHEREAS** the affairs of the United Company of Merchants of England Preamble.

trading to the East Indies require an advance of a considerable sum of money to answer certain present purposes, beyond what the said company are now enabled by law to raise, and it is expedient that such money should be raised by an increase of their capital stock: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said united company and they are hereby authorised and impowered, by and with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter to open books and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of four millions of pounds to any sum not exceeding the further sum of one million of pounds capital stock, so as to make their whole capital stock the sum of five millions, which said additional capital stock shall be subscribed and paid for at the rate of one hundred and seventy pounds for every one hundred pounds of such stock or at such other rate as the court of directors of the said united company, with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, shall direct, which said subscription shall be made and the money for the said additional stock shall be paid in such manner and form and by such instalments and proportions as the said court of directors, with such consent and approbation as aforesaid, shall appoint, and the capital stock so subscribed and paid for shall from and after the time of such payment be deemed, considered and taken as and for a part of the capital stock of the said company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors or administrators and assigns, shall at all times be deemed and reputed to be members of the said united company and incorporated therewith, and shall be intitled unto and have, hold and enjoy all and every the profits, benefits, privileges, advantages and immunities, and be subject and liable to all and every the regulations, rules and orders whereto the present stockholders and members of the said united company in respect of the stock held by and belonging to them are respectively intitled, subject and liable unto by any Act or Acts of Parliament, charter or bye law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said company now do and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said united company, and the same shall in all respects be consolidated and united as one joint stock.

East India Company, with the approbation of the Treasury, may increase their capital stock by 1,000,000*l.* in the manner herein prescribed;

and may pay the like dividends on the additional as on the present stock of the company.

Preference in subscribing for the additional stock may be given to the present proprietors.

If on Sept. 1, 1789, the subscriptions shall exceed the sum proposed to be sold, a proportionable deduction to be made from each subscription; and if they fall short, the deficiency to be disposed of to others.

Directors may contract for the sale of the whole to one or more persons.

Receipts to be given for payments, which shall be transferrable, &c.

If subscribers fail in making good all payments, their stock may be sold to any

II. AND be it further enacted by the authority aforesaid, that the said united company shall and may from time to time make and pay the like dividends to the proprietors of the said additional stock as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said united company, the first of which said dividends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

III. PROVIDED nevertheless, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference in subscribing for the said additional stock to such persons as shall hold the said company's stock at the time or times of such subscription as aforesaid, as far as and not exceeding the amount of fifty pounds per centum on the capital stock which shall then be held by each stockholder so subscribing, for all such sums as they shall subscribe on or before the first day of September one thousand seven hundred and eighty-nine; and in case the subscription made by them on or before the said first day of September one thousand seven hundred and eighty-nine shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall on the close thereof on the said first day of September one thousand seven hundred and eighty-nine fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said court of directors, with such consent and approbation as aforesaid, shall think fit.

IV. PROVIDED always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to prevent or restrain the court of directors of the said united company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politick or corporate, for the sale of the whole of the said additional capital stock or for such part or parts thereof as they shall from time to time think fit and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole or any part thereof to one or more person or persons.

V. AND be it further enacted, that as soon as reasonably may be after the deposit or first payment shall be made for the said additional stock to be subscribed for, the said company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said additional stock to be subscribed for as aforesaid, the holder of such receipt on delivering up the same shall have his or her name entered in proper books to be kept by the said united company for that purpose, with an account of the capital stock belonging to each proprietor, in like manner as the accounts of the present proprietors of India stock are kept.

VI. PROVIDED always nevertheless, and be it further enacted, that in case any subscriber or subscribers after having subscribed shall fail in making all or any the payments agreed at the respective times for such payments, then and in every such case the said united company shall and may take in sub-

scriptions for and sell the stock subscribed for by such defaulter to any other person or persons, and all deposits and payments made by such defaulter previous to such default shall be forfeited to and become the property of the said united company. other persons, and the deposits forfeited.

VII. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same. Publick Act.

### 30 GEORGE III. A.D. 1790.

#### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE EIGHTEENTH DAY OF MAY,  
A.D. 1784,

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,

AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS AND ADJOURNMENTS  
TO THE TWENTY-FIRST DAY OF JANUARY, A.D. 1790,  
BEING THE SEVENTH SESSION OF THE SIXTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XXXI.

AN ACT to alter so much of an Act made in the Twelfth Year of the Reign of his late Majesty King George the Second, intituled "An Act for the better preventing Frauds and Abuses in Gold and Silver Wares;" and also so much of another Act made in the Twenty-fourth Year of the Reign of his present Majesty, intituled "An Act for granting to his Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver Wrought Plate made in Great Britain," as relates to the marking of Silver Wares.

WHEREAS by an Act of Parliament made in the twelfth year of the reign of his late Majesty King George the Second, intituled "An Act for the better preventing frauds and abuses in gold and silver wares," it was amongst other things enacted, that from and after the twenty-eighth day of May one thousand seven hundred and thirty-nine no goldsmith, silversmith or other person whatsoever making or selling, trading or dealing in gold or silver wares should sell, exchange or expose to sale within that part of Great Britain called England any gold or silver vessel, plate or manufacture of gold or silver whatsoever made after the said twenty-eighth day of May one thousand seven hundred and thirty-nine, or export the same out of this kingdom, until such time as such vessel, plate or manufacture of gold (being of the standard of twenty-two carrats of fine gold per pound troy) and such vessel, plate or manufacture of silver (being of the standard of eleven ounces two penny-weights of fine silver per pound troy) should be marked as followeth, (that is to say) with the mark of the worker or maker thereof, which should be the first letters of his Christian and surname, and with these marks of the company of goldsmiths in London, videlicet, the leopard's head, the lion passant and a distinct variable mark or letter to denote the year in which such plate should be made, or with the mark of the worker or maker, and with the marks appointed to be used by the assayers at York, Exeter, Bristol,

Preamble.  
12 Geo. 2.  
[c. 26.]  
[Sect. 5.]

Chester, Norwich or Newcastle upon Tyne; or plate (being of the standard of eleven ounces ten penny-weight of fine silver per pound weight troy) with the mark of the worker or maker thereof, which should be the first letters of his Christian and surname aforesaid, and with these marks of the said company, videlicet, the lion's head erased, the figure of a woman commonly called Britannia, and the said mark or letter to denote the year as aforesaid, or with the mark of the worker or maker, and the marks of one of the said cities or towns, upon pain that every such goldsmith, silversmith and other person for every such offence should forfeit and pay the sum of ten pounds, to be recovered and disposed of as therein-after is mentioned, and for default of payment should be committed by the court in which judgement should be given thereon to the house of correction for the county, city or liberty where convicted, there to remain and be kept to hard labour for any time not exceeding the space of six months, or until payment be made of the said forfeiture; and in the said Act is contained a proviso and declaration whereby it is provided and declared that nothing in that Act contained should extend to oblige any of the following wares of gold or silver to be stamped or marked by the said respective companies of goldsmiths or any of them, (that is to say) rings, collets for rings or other jewels, chains, necklace beads, lockets, hollow or raised buttons, sleeve buttons, thimbles, corral sockets and bells, ferrils, pipe lighters, cranes for bottles, very small book clasps, any stock or garter clasps jointed, very small nutmeg graters, rims of snuff boxes whereof tops or bottoms are made of shell or stone, sliding pencils, toothpick cases, tweezer cases, pencil cases, needle cases, any philligree work, any sorts of tippings or swages on stone or ivory cases, any mounts, screws or stoppers to stone or glass bottles or phials, any small or slight ornaments put to amber or other eggs or urns, any wrought seals or seals with cornelian or other stones set therein, or any gold or silver vessel, plate or manufacture of gold or silver so richly engraved, carved or chased, or set with jewels or other stones as not to admit of an assay to be taken of or a mark to be stuck thereon without damaging, prejudicing or defacing the same, or such other things as by reason of the smallness or thinness thereof are not capable of receiving the marks in the said Act before mentioned or any of them, and not weighing ten penny-weight of gold or silver each: And whereas by a certain other Act of Parliament made in the twenty-fourth year of the reign of his present Majesty, intituled "An Act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain," it was (amongst other things) enacted that every working goldsmith and silversmith or other manufacturer of gold or silver whatsoever who should at any time or times after the first day of December one thousand seven hundred and eighty-four work or make or cause to be wrought or made any gold or silver vessel, plate or manufacture of gold or silver whatsoever required to be touched, assayed and marked by the company of goldsmiths in London or the company of goldsmiths in Edinburgh, or by the Birmingham or Sheffield companies, or by the wardens and assayer or assayers at York, Exeter, Bristol, Chester, Norwich and Newcastle upon Tyne, should from time to time send with every parcel of such gold or silver to the assay office of the said respective companies, cities and places a note or memorandum, fairly written, containing

[Sect. 6.]

24 Geo. 3.  
sess. 2. c. 53.

Sect. 4.

the day of the month and year, the Christian and surname of the worker or maker and place of his or her abode, and also all the species in such parcel of plate and the number of each species, with the total weight of such parcel and also the sum of money payable for the duty upon the total weight of such parcel, and also should from time to time send, deliver and pay with every such parcel to the officer belonging to such respective assay office who should receive such parcel of gold or silver so sent to be touched, assayed and marked, the duty by that Act directed to be paid upon every such parcel of gold or silver so required to be touched, assayed and marked ; and by the said last-mentioned Act it was further enacted that the wardens Sect. 5. or their deputy, assay master, weigher or other person appointed by the said respective companies or assay officers, should mark with the following new mark, (that is to say) with the mark of the King's head, over and besides the several other marks directed by law, all and every such pieces or parcels of gold or silver plate so sent to be touched, marked and assayed ; and by the said last-mentioned Act it is further enacted that Sect. 8. from and after the said first day of December one thousand seven hundred and eighty-four no goldsmith, silversmith or other person whatsoever making or selling, trading or dealing in gold or silver wares should sell, exchange or expose to sale in Great Britain any gold or silver vessel, plate or manufacture of gold or silver whatsoever, made after the said first day of December one thousand seven hundred and eighty-four, or export the same out of the kingdom of Great Britain, until such time as such vessel, plate or manufacture of gold (being of the standard directed by law) and such vessel, plate or manufacture of silver (being likewise of the standard directed by law) should be marked with the new mark therein-before directed, (that is to say) the King's head, over and besides all other marks then already directed by law to be marked or impressed thereon, upon pain that every such goldsmith, silversmith or other person so offending should for every such offence forfeit and pay the sum of fifty pounds, to be recovered and disposed of as in the said Act after is directed, and for default of not paying down the penalty upon conviction should be committed by the court in which judgement should be given thereon to the house of correction for the county, city, liberty or place where convicted, there to remain and to be kept to hard labour for any time not exceeding the space of one year nor less than six months, or until payment be made of the said forfeiture, and also upon pain that such gold and silver vessel, plate and manufacture of gold and silver, which should be sold, exchanged or exposed to sale without having the mark thereon as by the said last-mentioned Act is directed should be forfeited, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons who should sue for the same ; and in the said last mentioned Act is contained Sect. 9. a proviso and declaration whereby it is provided and declared that nothing in that last-mentioned Act contained should extend to compel any of the wares of gold or silver to be stamped or marked with the stamp or mark directed by the said last mentioned Act which are particularly excepted in the said Act made in the said twelfth year of the reign of his late Majesty, intituled " An Act " for the better preventing frauds and abuses in gold and silver wares : " And whereas doubts have arisen as to the true construction and meaning of the

Doubts upon  
the construc-  
tion of the  
recited  
provisoes.

said proviso and declaration contained in the aforesaid Act made in the twelfth year of the reign of King George the Second, and also as to what silver wares are intended by the said last-mentioned Act and by the aforesaid Act made in the twenty-fourth year of the reign of his present Majesty to be excepted from being stamped or marked with the stamps or marks directed by the said Acts or either of them; and divers silversmiths and other persons making, selling, trading or dealing in silver wares have inadvertently and without meaning or intending to offend against the said Acts or either of them sold, exchanged and exposed to sale within that part of Great-Britain called England divers small vessels, plate or manufactures of silver, being of the standard directed by law, made after the twenty-eighth day of May one thousand seven hundred and thirty-nine, and not stamped or marked with the following marks mentioned in the aforesaid Act made in the twelfth year of the reign of King George the Second, (that is to say) with the mark of the worker or maker thereof (being the first letters of his Christian and surname), and with these marks of the said company of goldsmiths in London, videlicet, the leopard's head, the lion passant and a distinct variable mark or letter to denote the year in which such plate was made, or with the mark of the worker or maker and with the marks appointed to be used by the assayers at York, Exeter, Bristol, Chester, Norwich or Newcastle upon Tyne, and plate (being of the standard of eleven ounces ten penny-weight of fine silver per pound weight troy) and not stamped or marked with the mark of the worker or maker thereof (being the first letters of his Christian and surname as aforesaid), and with these marks of the said company, videlicet, the lion's head erased, the figure of a woman commonly called Britannia, and the said mark or letter to denote the year as aforesaid, or with the mark of the worker or maker, and the marks of one of the said cities or towns; and have sold, exchanged and exposed to sale in Great Britain divers other small vessels, plate or manufactures of silver (being of the standard directed by law), made after the first day of December one thousand seven hundred and eighty-four, and not stamped or marked with the new mark, (that is to say) the King's head, mentioned in the aforesaid Act made in the twenty-fourth year of the reign of his present Majesty; whereby divers penalties, forfeitures and punishments may have been innocently incurred by such persons, from which penalties, forfeitures and punishments it is fit and proper they should respectively be released and indemnified; and it is likewise fit and proper that the said recited provisos and declarations in the said Acts contained, so far as the same concern wares of silver, should cease and determine, and that the said Acts should be amended in several respects, and other regulations and declarations made as to silver wares: May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said recited proviso and declaration in the said Act made in the twelfth year of the reign of King George the Second, so far as the same relates to the not obliging the wares of silver therein specifically named or mentioned, and such other wares or things of silver as are therein generally named, mentioned or referred to in any manner howsoever, to be stamped or marked by the said respective companies of goldsmiths or any of them, and also the said recited proviso and declaration

The recited  
provisoes to  
cease as to  
silver wares.

in the said Act made in the twenty-fourth year of the reign of his present Majesty, so far as the same relates to the not compelling any of the wares of silver to be stamped or marked with the stamp or mark directed by the said last-mentioned Act which are particularly excepted in the aforesaid Act made in the twelfth year of the reign of his late Majesty, shall from and after the twenty-eighth day of May one thousand seven hundred and ninety cease and determine, any thing in the said Acts of Parliament or either of them contained to the contrary notwithstanding.

\* \* \* \* \*

III. AND be it further enacted by the authority aforesaid, that from and after the twenty-eighth day of May one thousand seven hundred and ninety nothing in the said Acts or either of them contained shall extend to oblige any of the following wares of silver to be stamped or marked by the said respective companies of goldsmiths or any of them with the marks or any of them mentioned in the aforesaid Act made in the twelfth year of the reign of King George the Second, or to be marked with the said new mark of the King's head mentioned in the aforesaid Act made in the twenty-fourth year of the reign of his present Majesty, (that is to say) chains, necklace beads, lockets, any philligree work, shirt buckles or broaches, stamped medals, or spouts to china, stone or earthenware teapots, or any of them, of any weight whatsoever.

Exemption of  
certain silver  
wares from  
being stamped.

IV. AND be it further enacted by the authority aforesaid, that from and after the said twenty-eighth day of May one thousand seven hundred and ninety nothing in the said Acts or either of them contained shall extend to oblige any of the following wares of silver to be stamped or marked by the said respective companies of goldsmiths or any of them with the marks or any of them mentioned in the aforesaid Act made in the twelfth year of the reign of King George the Second, or to be marked with the said new mark of the King's head mentioned in the aforesaid Act made in the twenty-fourth year of the reign of his present Majesty, (that is to say) tippings, swages or mounts, or any of them, not weighing ten penny-weights of silver each, save and except only necks and collars for castors, cruets or glasses appertaining to any sort of stands or frames.

Further ex-  
emption.

V. AND be it further enacted by the authority aforesaid, that from and after the said twenty-eighth day of May one thousand seven hundred and ninety nothing in the said Acts or either of them contained shall extend to oblige any wares of silver whatsoever not weighing five penny-weights of silver each to be marked or stamped by the said respective companies of goldsmiths or any of them with the marks or any of them mentioned in the aforesaid Act made in the twelfth year of the reign of King George the Second, or to be marked with the said new mark of the King's head mentioned in the aforesaid Act made in the twenty-fourth year of the reign of his present Majesty, save and except only the following silver wares, (that is to say) necks, collars and tops for castors, cruets or glasses appertaining to any sort of stands or frames, buttons to be affixed to or set on any wearing apparel, solid sleeve buttons and solid studs not having a bisseled edge soldered on, wrought seals, blank seals, bottle tickets, shoe clasps, patch boxes, salt spoons, salt shovels, salt ladles, tea spoons, tea strainers, caddy ladles, buckles

Further ex-  
emption.

(shirt buckles or broaches before mentioned excepted), and pieces to garnish cabinets or knife cases or tea chests or bridles or stands or frames.

Publick Act.

VI. AND be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons without specially pleading the same.

### CHAPTER XXXVIII.

AN ACT for repealing the Duties upon Licences for retailing Wine and Sweets and upon Licences for retailing distilled Spirituous Liquors, and for granting other Duties in lieu thereof.

Who shall be deemed re-tailers of distilled spirituous liquors and strong waters.

XV. AND be it further enacted by the authority aforesaid, that . . . . . all and every person and persons who shall sell, offer or expose to sale any brandy, rum, arrack, usquebaugh, geneva, aquavitae or any other distilled spirituous liquors or strong waters, unmixed or mixed with themselves or any other ingredients, in any less quantity than two gallons, shall be deemed and taken to be a retailer or retailers of distilled spirituous liquors and strong waters within the meaning of this Act; and if any brandy, rum, arrack, usquebaugh, geneva, aquavitae or any other distilled spirituous liquors or strong waters, unmixed or mixed with themselves or any other ingredients, shall at any time be sold, offered or exposed to sale by any person or persons whatsoever in any quantity less than two gallons, such selling, offering or exposing to sale shall be deemed and taken to be a retailing of distilled spirituous liquors and strong waters within the meaning of this Act.

### CHAPTER XLV.

AN ACT for converting certain Annuities, to be attended with the Benefit of Survivorship in Classes, established by an Act of the last Session of Parliament, into certain Annuities for an absolute Term of Years, and for enabling the Commissioners of the Treasury to nominate Lives for the Shares so converted. [¶]

Preamble.  
29 Geo. 3. c. 41.  
recited.

WHEREAS in pursuance of an Act made and passed in the last session of Parliament (intituled An Act for raising a certain sum of money by way of annuities, to be attended with the benefit of survivorship in classes) several persons who had become contributors towards raising the sum of one million two thousand five hundred pounds have actually advanced and paid to the cashier or cashiers of the governor and company of the Bank of England the full sums contributed: And whereas the several contributors, their respective executors, administrators, successors and assigns, are at liberty for every entire sum of one hundred pounds and five shillings advanced and paid to name the life of some one person, either of such contributor or some other life, at any time or times on or before the tenth day of October one thousand seven hundred and ninety, in manner in the said Act directed, and by virtue thereof will become

[¶ So much of this Act as relates to the management, assignment and payment of the annuities hereby created at the receipt of his Majesty's Exchequer, repealed, and the powers and authorities of the commissioners of the Treasury and of the auditor of the Exchequer, so far as the same were applicable to the management and payment or to any other matter or thing relating to any life annuities hereby created, determined on and after the 5th July 1832, 2 & 3 Will. 4. c. 59. ss. 1. 17.]



intituled from the said tenth day of October one thousand seven hundred and ninety, for and during the life of the nominee who shall be appointed, to an annuity to be attended with the benefit of survivorship in classes in manner in the said Act mentioned: And whereas the several contributors, their respective executors, administrators and assigns, or some of them, are or may be willing and desirous to have such respective interests converted into certain annuities for an absolute term of years hereinafter mentioned: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every person and persons who are interested in or may be entitled to any life annuity or annuities with benefit of survivorship as in the said Act is granted, and who shall be possessed of any certificate or certificates made out by the cashier or cashiers of the governor and company of the Bank of England in pursuance of the said Act, their respective agents or assigns, shall and may at any time or times on or before the twentieth day of September one thousand seven hundred and ninety carry the said certificate or certificates to the auditor of the receipt of his Majesty's Exchequer, to be exchanged for other certificates to be made out by the said auditor in the manner herein-after mentioned, and shall and may, by writing on the back of every such certificate, elect to have his, her or their interest of and in any such life annuity or annuities, with benefit of survivorship, converted into annuities for such certain and absolute term or terms of years as herein is mentioned; and the said auditor shall and is hereby required, on the receipt of any such certificate or certificates, after computing the interest to become due thereon on the tenth day of October one thousand seven hundred and ninety, to give a receipt for the same expressing the principal sum or sums of money contained in such certificate or certificates, and the said interest to become due thereon, and cause the said certificate or certificates to be filed in the office of the said auditor; and the said auditor shall in lieu thereof cause to be made out a distinct certificate in respect of every entire sum of one hundred pounds and five shillings, to the governor and company of the Bank of England, for the amount of the principal sums contained in the certificates remaining filed in the said office, for which certificates no fee or reward shall be taken nor stamp duty paid; and the person or persons who shall be possessed of any such last mentioned certificate or certificates shall upon delivery thereof to the said governor and company be intitled to have, receive and enjoy an annuity at and after the rate of four pounds and five shillings per annum for and upon every entire sum of one hundred pounds and five shillings which shall be expressed in such last mentioned certificate or certificates, to commence from the tenth day of October one thousand seven hundred and ninety and to continue for a certain term of sixty-nine years and one quarter of a year and then to cease, which said annuity of four pounds and five shillings shall be paid and payable half-yearly by even and equal portions during the said term; (that is to say,) on the fifth day of April and the tenth day of October in every year during the said term, the first payment thereupon to be due for half a year on the fifth day of April one thousand seven hundred and ninety-one, and so shall continue until the quarter day next preceding the time at which the several annuities by this Act granted shall determine, and the quarter's annuity for the time then remaining unexpired shall be paid to the day on which the same shall become due; and in each and every such case the right, title, interest and benefit arising or which might arise to such contributor or contributors, his, her or their executors, administrators, successors or assigns, under and by virtue of the said Act, of, in or to any annuity or annuities, with benefit of survivorship, shall cease, determine and shall be deemed and adjudged to be merged and extinguished in the said certain and absolute term of years by this Act granted. [Rep., Stat. Law Rev. Act, 1871.]

II. AND be it further enacted by the authority aforesaid, that in the office of the accountant general of the governor and company of the Bank of England for the time being a book or books shall be provided and kept, in which the names of every person and persons who shall have delivered to the governor and company certificates to be made out by the said auditor in pursuance of this Act, and the principal sums contained therein, shall be fairly entered, which book or books the said persons, their executors, administrators, successors and assigns respectively, and all and every person

Till Sept. 20, 1790, certificates granted under the recited Act may be delivered to auditor of the Exchequer, who on receiving them shall give a receipt for the principal, and interest to Oct. 10, 1790, and make out other certificates which on delivery at the Bank shall entitle to annuities of 4l. 5s. for every 100l. 5s. for 69 years and one quarter from Oct. 10, 1790,

payable half-yearly.

The names of the persons who shall have delivered certificates at the Bank, and the sums, to be entered in a book, to be open for inspection, of which a

duplicate is to be sent to the Exchequer by April 5, 1791.

and persons who shall continue to have an interest of and in such life annuity or annuities with benefit of survivorship as aforesaid, shall and may from time to time and at all seasonable times resort to and inspect without any fee or charge, and that the said accountant general shall on or before the fifth day of April one thousand seven hundred and ninety-one transmit an attested duplicate fairly written on paper of the said book or books into the office of the auditor of the receipt of his Majesty's Exchequer, there to remain.

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Immediately after Sept. 20, 1790, auditor of the Exchequer to certify to the Treasury the number of certificates filed, &c., and the Treasury may for every 100*l.* 5*s.* in such certificates name the life of some person by Oct. 10, 1790, &c.

Annuity to be reserved to use of the publick during such life.

XII. AND be it further enacted by the authority aforesaid, that the said auditor of the receipt of the Exchequer shall on or immediately after the twentieth day of September one thousand seven hundred and ninety certify to the commissioners of his Majesty's Treasury or the lord high treasurer for the time being the number of certificates which shall be filed as aforesaid in the office of the said auditor, indorsed in the manner herein directed, and also the number of such shares of and in the life annuities, with benefit of survivorship, which shall have been converted into annuities for such terms of years as aforesaid depending thereon [Rep., Stat. Law Rev. Act, 1871]; and the said commissioners of the Treasury or any three or more of them or the lord high treasurer for the time being respectively shall and may, for and in respect of each and every such sum of one hundred pounds and five shillings contained in such certificates, be at liberty to name in the manner herein directed the life of some one person at any time or times on or before the tenth day of October one thousand seven hundred and ninety in the manner herein-after directed, during which life and lives respectively to be appointed as aforesaid there shall be reserved at the said receipt of Exchequer to the use of the publick at the respective days of payment in the said Act mentioned such and the like annuity and annuities respectively, with the like benefit of survivorship in classes, as any contributor or contributors in the same classes respectively would be intitled unto by the said Act in respect of an equal number of shares thereof, and which annuity or annuities so reserved at the said receipt to the use of the publick shall from time to time as they respectively grow due and arise be carried to and made part of the Consolidated Fund, towards satisfying and replacing the annuities at and after the rate of four pounds and five shillings granted under this Act and charged thereon as aforesaid.

Treasury to select their nominees from the orders of persons herein specified.

XIII. AND be it further enacted by the authority aforesaid, that the said commissioners of the Treasury shall and they are hereby required, out of the several degrees, orders or societies of persons herein-after mentioned, to select in the manner herein directed such and so many nominees as shall be necessary to carry into execution this present Act, (that is to say) such persons respectively as are or shall be peers of Great Britain or of Ireland, or the children or grand children of such peers respectively, or are or shall be baronets of England or Scotland respectively, or lords of manors in England or Wales, or persons who are named in the commission of the peace for any county or riding in England or Wales, or their children, or are or shall be spiritual persons respectively promoted to any bishoprick, deanry, archdeaconry, prebend or other dignity in any cathedral or other church, or beneficed with any parsonage, vicarage or donative in England, or a fellowship in any college or hall of either of the universities of Oxford or Cambridge, or are or shall be for the time being governors of the hospital of the Charter House in the county of Middlesex, or governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, commonly called the Foundling Hospital, or the president, treasurer or governors of the hospital commonly called Christ's Hospital, or such persons respectively who are or shall be duly registered in the books of the Amicable Society for Insurance on Lives in Serjeant's Inn, Fleet Street, and whose names, places of abode and ages respectively shall be fully set forth in such register [Rep., Stat. Law Rev. Act, 1871]; and all and every such person and persons respectively, who shall

be appointed nominees by the said commissioners of the Treasury or any three of them at any time or times on or before the tenth day of October one thousand seven hundred and ninety out of the orders, degrees or societies of persons above mentioned or any of them, shall be deemed and adjudged to be nominees, during whose lives respectively there shall be reserved for the use of the publick at the said receipt of the Exchequer annuities to be attended with benefit of survivorship at and after the respective rates and at the times in the said Act mentioned, as fully and effectually as if such nominees had been appointed under and by virtue of the said former Act.

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XV. [¶] AND be it further enacted by the authority aforesaid, that the said commissioners of the Treasury for the time being, or some person or persons to be appointed by them under the authority of this Act, shall half-yearly, during the continuance of any life or lives so nominated and appointed as aforesaid, transmit to the several parishes and places in Great Britain where any such nominee or nominees shall reside a list of all the nominees appointed under this Act residing in such parish or place, and also to the directors or governors of the said society a list of all such nominees registered in the books of the said society; and the respective ministers, officers or other persons aforesaid of the respective parishes and places to which such lists shall be transmitted, and the directors or governors of the said society respectively, shall half-yearly, (that is to say) before the fifth day of April and the tenth day of October in each year, on such days and times respectively as the said commissioners of the Treasury or any three of them shall direct, return to the said commissioners of the Treasury, or the person or persons to be appointed by them as aforesaid, a certificate under the hands of such ministers, officers or other persons, or of any two of them, or under the hands of such directors or any two of them respectively, thereby certifying the lives of all and every the nominees appointed by the said commissioners of the Treasury which shall then subsist, and also the deaths of such nominees which shall have come to their knowledge respectively, or of the removal of such nominees or any of them from such parish or place, as the case may require; and the certificates certifying the lives of the said nominees being filed at the office of the auditor of the said Exchequer shall be a sufficient warrant for setting apart and reserving at the said receipt to the use of the publick the half-yearly payments which shall arise or grow due or shall have arisen and grown due in respect of the said nominees so certified according to the true intent and meaning of this Act, and which certificates shall not be chargeable with any stamp duty.

Treasury to transmit half-yearly a list of nominees to the places where they respectively reside, &c.

Ministers, &c. to whom such lists shall be transmitted to return to the Treasury certificates of the lives of the nominees then existing, &c.

Exchequer to set apart for the use of the publick the half-yearly payments on the lives of nominees so certified.

XVI. PROVIDED always, and be it further enacted by the authority aforesaid, that if at the time when any half-yearly payment shall become due any such nominee or nominees appointed by the said commissioners of the Treasury shall be in the service of his Majesty, his heirs or successors, in his Majesty's land forces or navy, it shall and may be lawful to produce to the said auditor for the purposes aforesaid a certificate of the lives or deaths

If nominees be in the army, a certificate of the commanding officer, if in the navy, of the commissioners of the Admiralty,

[¶ So much as relates to transmitting lists by commissioners of Treasury to parishes for returns certifying the lives of nominees, rep., 2 & 3 Will. 4. c. 59. s. 4.]

and if at the University, &c., of the master of the college, &c., to be sufficient.

of such nominees, under the hands of the respective officers commanding the regiments or corps where such nominees shall serve or have served, or under the hands of two or more of the commissioners of the Admiralty or Navy for the time being, as the case may require; and in case any such nominee or nominees shall be resident at either of the said universities or at any school or other seminary of learning, then and in such case it shall be lawful to produce the like certificate under the hand of the principal rector, warden or master of the college, hall, school or other seminary aforesaid in which such nominees shall be respectively resident; which certificates being filed with the said auditor shall be likewise a sufficient warrant for setting apart and reserving at the said receipt of Exchequer the said half-yearly payments in respect of such nominees in the manner and to the uses herein-before directed.

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Auditor in the half-yearly accounts of deaths, &c. to keep distinct the nominees appointed by the Treasury from the nominees appointed by the contributors, &c.

XX. AND be it further enacted by the authority aforesaid, that in the account to be made up half-yearly in the office of the said auditor of the deaths of nominees that are come to the knowledge of the said auditor, and of the persons who have made default in their annuities, as by the said Act is directed, and also in the list or schedule to be published yearly in pursuance of the said Act, the said auditor shall set down distinctly and in different columns the names and ages of such nominees as were or shall be appointed by the said commissioners of the Treasury in pursuance of this Act, and the names and ages of such other nominees as were appointed by the several contributors aforesaid in pursuance of the said former Act, and also shall set down and distinguish therein the different annuities payable to the several contributors aforesaid in pursuance of the said Act, and the annuities to be reserved at the said receipt for or in respect of such nominees who shall be living which were or shall be appointed by the said commissioners of the Treasury, and also the amount of the said respective annuities payable to the said contributors or to be reserved as aforesaid.

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General issue.

Treble costs.

XXIV. AND be it further enacted by the authority aforesaid, that if any person or persons shall be sued, molested or prosecuted for any thing done by virtue or in pursuance of this Act, such person or persons shall and may plead the general issue and give this Act and the special matter in evidence in his, her or their defence or defences; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her or their action or prosecution or be nonsuited, or judgement shall be given against him, her or them upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her or them against any such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

## CHAPTER XLVIII.

AN ACT for discontinuing the Judgement which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgement in lieu thereof. [a]

**W**HEREAS it is expedient that the judgement which has been required by law to be given and awarded against any woman or women in the cases of high treason or of petit treason should be no longer continued: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the fifth day of June one thousand seven hundred and ninety the judgement to be given and awarded against any woman or women convicted of the crime of high treason, or of the crime of petit treason, or of abetting, procuring or counselling any petit treason, shall not be that such woman or women shall be severally drawn to the place of execution and be there burned to death, but that such woman or women being so convicted as aforesaid shall be severally drawn to the place of execution and be there hanged by the neck until she or they be severally dead, any law or usage to the contrary thereof in anywise notwithstanding.

Preamble.

From June 5, 1790, women convicted of high treason, &c. to be hanged.

\* \* \* \* \*

IV. AND be it further enacted by the authority aforesaid, that whenever any woman or women shall be convicted of the crime of high treason, or of the crime of petit treason, or of abetting, procuring or counselling any petit treason, and judgement shall be given thereon according to the directions of this Act, then and in every such case such woman or women, being so attainted of such crimes respectively, shall be subject and liable to such and the like forfeitures and corruption of blood as they severally would have been in case they had been severally attainted of the like crimes before the passing of this Act.

Women convicted of high treason, &c. to be liable to the like forfeitures, &c. as heretofore.

## CHAPTER XLIX.

AN ACT to impower Justices and other Persons to visit Parish Workhouses or Poorhouses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions.

**W**HEREAS the laws now in being for the regulating parish workhouses or poorhouses have been found in certain instances deficient and ineffectual, especially when the poor in such houses are afflicted with contagious or infectious diseases, in which cases particular attention to their lodging, diet, cloathing, bedding and medicines is requisite: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and

Preamble.

[a] So much of this Act as relates to petit treason, rep., 9 Geo. 4. c. 31. s. 1.

Such portion of this Act as enacts that the judgment required by law to be awarded against persons adjudged guilty of high treason shall include the drawing of the person to the place of execution, rep., except as to Scotland, 33 & 34 Vict. c. 23. s. 31.]

From Sept. 29, 1790, justices, &c. may visit workhouses, and certify the state of the poor to the next quarter sessions, &c.

Justices at the quarter sessions to remove causes of complaint.

If in such visitation any of the poor should be found afflicted with contagious diseases, &c., application to be made to the justices of the division, who are to give order for immediate relief, &c.

consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-ninth day of September one thousand seven hundred and ninety it shall and may be lawful to and for any of his Majesty's justices of the peace, or any physician, surgeon or apothecary for that purpose authorized by warrant under the hand and seal of any such justice or justices, or for the officiating clergyman of the parish or place duly authorized as aforesaid, at all times in the day time to visit any parish workhouse or house kept or provided for the maintenance of the poor of any parish or place within the county, riding, liberty or division wherein such justice or justices shall be resident and shall have jurisdiction, to examine into the state and condition of the poor people therein, and the food, cloathing and bedding of such poor people, and the state and condition of such house or houses; and if upon any such visitation the said justice or justices or persons duly authorized as aforesaid shall find any cause or occasion of complaint, that then and in such case such justice or justices or persons duly authorized as aforesaid shall and they are hereby authorized and impowered, if he or they shall think fit, to certify the state and condition of such workhouse or poorhouse, and the state of the poor therein, and of their food, cloathing and bedding, to the next quarter sessions of the peace to be held for such county, riding, liberty or division wherein such workhouse or poorhouse shall be situate, under his or their hands and seals respectively; and such justice or justices or other persons duly authorized as aforesaid shall cause the overseers of the poor, or master or governor of the said workhouse or poorhouse of such parish or place, to be summoned to appear at the same sessions to answer such complaint; and the justices assembled at such quarter sessions on hearing the parties on any such complaint shall and may and they are hereby authorized to make such orders and regulations for the removing of any cause of complaint contained in such certificate as aforesaid as to them shall seem meet, and all the parties concerned shall and they are hereby required to abide by and perform such orders and regulations as shall be so made by the justices at the said sessions.

II. PROVIDED always, and be it further enacted by the authority aforesaid, that in case any justice or justices of the peace or persons duly authorized by warrant as aforesaid shall upon any such visitation find any of the poor in any parish workhouse or poorhouse afflicted with any contagious or infectious disease, or in want of immediate medical or other assistance or of sufficient and proper food, or requiring separation or removal from the other poor in the said house, then and in such case or cases, if such visitation shall be made by a justice of the peace, it shall and may be lawful to and for such justice and he is hereby directed and required to apply to one or more other justice or justices of the peace in the county, riding, liberty or division, and certify to him or them the state and condition of the poor in such parish workhouse or poorhouse, or if such visitation shall be made by the persons duly authorized as aforesaid, then and in such case or cases it shall and may be lawful to and for such persons and they are hereby directed and required to apply to two or more justices of the peace in such county, riding, liberty or division, and thereupon the said justices shall and may and they are hereby authorized to make such order for the immediate procuring medical

or other assistance, or of sufficient and proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, in such manner as they the said justices under their hands and seals shall think proper to direct, until the next quarter sessions of the peace to be held in and for the said county, riding, liberty or division wherein such workhouse or poorhouse shall be situate, at which quarter sessions of the peace the said two justices are to certify the same, under their hands and seals respectively, to the justices assembled at such quarter sessions, who are hereby authorized and required to make such order for the further relief of the poor in such parish workhouse or poorhouse as to the justices assembled at such quarter sessions shall seem meet and proper; and the charges and expences of relieving such poor shall be and is hereby directed to be paid out of the poor's rate of such parish in such manner as the said justices assembled at such quarter sessions shall direct.

Expences of relief to be paid out of the poor's rate.

III. PROVIDED always, that nothing herein contained shall extend or be construed to extend to any poorhouse or workhouse in any district or districts which have been or may be hereafter incorporated or regulated by any special Act or Acts of Parliament.

Not to extend to workhouses in districts regulated by Act of Parliament.

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### 31 GEORGE III. A.D. 1790-1.

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STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
A.D. 1790,  
IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
BEING THE FIRST SESSION OF THE SEVENTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XI.

AN ACT for removing any Doubt respecting the Sale or Mortgage of Annuities pursuant to an Act made in the Twenty-sixth Year of the Reign of his present Majesty, intituled "An Act to enable the East India Company to raise Money by Sale of Annuities and by increasing their Capital Stock." [A]

**W**HEREAS by an Act of Parliament made in the twenty-sixth year of the reign of his present Majesty, intituled "An Act to enable the East India Company to raise money by a sale of annuities and by encreasing their capital stock," the said company were authorised and empowered by and with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, at such time or times and in such manner as they should find to be most for the advantage of the said united company, to

Preamble.

26 Geo. 3.  
c. 62. recited.

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[\* The power of redemption hereby reserved to the United Company of Merchants of England trading to the East Indies, rep., 33 Geo. 3. c. 47. s. 1.]

borrow and take in by subscription or otherwise from any person or persons, bodies politick or corporate, who should be willing to advance the same, any sum or sums of money by the sale or mortgage of a fund attended with an annuity at the rate of three pounds per centum per annum, not exceeding in the whole the annual sum of thirty-six thousand two hundred and twenty-six pounds sixteen shillings, being an annuity due to the said united company from the publick in consideration of one million two hundred and seven thousand five hundred and fifty-nine pounds fifteen shillings, part of the sum of four millions two hundred thousand pounds in the said Act mentioned, which said sale should and might be made at such price or prices as the court of directors of the said company, by and with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or the high treasurer for the time being, should think fit, and that from and after the time of such sale the said annuities should be paid and transferred in like manner, and the proprietors and holders should in all respects hold their respective shares of the said fund to be purchased as aforesaid in like manner and upon the same terms as the then respective present proprietors then held and enjoyed the respective sums belonging to them in the annuity fund of two millions nine hundred and ninety-two thousand four hundred and forty pounds five shillings in the said Act mentioned, and that the said annuities to be sold as aforesaid should be consolidated with the said fund of two millions nine hundred and ninety-two thousand four hundred and forty pounds five shillings, and that the said debt of four millions two hundred thousand pounds due from the publick to the said company, and the annuities payable in respect thereof, should be a collateral security to the proprietors and holders of the said annuities so to be sold or mortgaged as aforesaid in the same manner as for the said sum of two millions nine hundred and ninety-two thousand four hundred and forty pounds five shillings theretofore sold as in the said Act is mentioned, but subject nevertheless to such and the like proviso or condition of redemption by the company as the said sum of four millions two hundred thousand pounds due to the company by the publick was or should be subject and liable to by any Act or Acts of Parliament: And whereas the said united company have in pursuance and by virtue of the said Act at different times borrowed from the governor and company of the Bank of England on the security of the said annuities sums to the amount of seven hundred thousand pounds, whereof sums to the amount of six hundred and ninety-nine thousand nine hundred pounds have since been repaid to the said governor and company: And whereas it may be necessary that the said united company should from time to time exercise the powers of the said recited Act as their occasions may require, but doubts have been made whether the governor and company of the Bank of England would be duly authorised again to advance money by virtue of the authority of the said Act: Now for obviating such doubts, may it please your Majesty that it may be enacted and declared, and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the authority and power in and by the said recited Act of Parliament of the twenty-sixth year of the reign of his present Majesty given unto the United

East India  
Company may  
at any time  
raise money on



Company of Merchants of England trading to the East Indies to raise money by mortgage or sale of the annuity fund of thirty-six thousand two hundred and twenty-six pounds sixteen shillings therein mentioned, and every matter and thing therein contained concerning the same, is and shall remain and be in full force and effect, and that it shall and may be lawful to and for the said united company at any time or times hereafter, by and with such consent and approbation and in such manner and form as in the same Act is mentioned, from time to time to raise money by mortgage of the said annuity fund of thirty-six thousand two hundred and twenty-six pounds sixteen shillings or any part thereof, or to sell the whole or any part of the said fund of thirty-six thousand two hundred and twenty-six pounds sixteen shillings, with the like consent and approbation as aforesaid, as to them shall seem fit or expedient.

their annuity fund or sell the same agreeably to the regulations of recited Act.

## CHAPTER XXXI.

AN ACT to repeal certain Parts of an Act passed in the Fourteenth Year of his Majesty's Reign, intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and to make further Provision for the Government of the said Province.

\* \* \* \* \*

II. AND whereas his Majesty has been pleased to signify by his message to both Houses of Parliament his royal intention to divide his province of Quebec into two separate provinces, to be called the Province of Upper Canada and the Province of Lower Canada: Be it enacted by the authority aforesaid, that there shall be within each of the said provinces respectively a legislative council and an assembly, to be severally composed and constituted in the manner herein-after described [Rep., Stat. Law Rev. Act, 1871]; . . . . .

Within each of the intended provinces a legislative council and assembly to be constituted.

XXXV. AND whereas by the above-mentioned Act passed in the fourteenth year of the reign of his present Majesty [a] it was declared that the clergy of the Church of Rome in the province of Quebec might hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion, provided nevertheless that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion and for the maintenance and support of a Protestant clergy within the said province as he or they should from time to time think necessary and expedient: And whereas by his Majesty's royal instructions, given under his Majesty's royal sign manual on the third day of January in the year of our Lord one thousand seven hundred and seventy-five to Guy Carleton, esquire, now Lord Dorchester, at that time his Majesty's captain general and governor in chief in and over his Majesty's province of Quebec, his Majesty was pleased amongst other things to direct "that no incumbent professing the religion of the Church of Rome appointed to any parish in the said province should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the

Recital of 14 Geo. 3. c. 83., and

instructions of Jan. 3, 1775, to Guy Carleton, esquire, &c., and

instructions to  
Sir Frederick  
Haldimand  
and to Lord  
Dorchester.

The declaration  
and provisions  
therein re-  
specting the  
clergy of the  
Church of  
Rome to con-  
tinue in force.

His Majesty's  
message to  
Parliament  
recited.

His Majesty  
may authorize  
the governor  
to make allot-  
ments of lands  
for the support  
of a Protestant  
clergy in each  
province.

“ said Guy Carleton, esquire, his Majesty’s captain general and governor in chief in and over his Majesty’s said province of Quebec, should appoint, and “ should be reserved in the hands of his Majesty’s receiver general of the said “ province for the support of a Protestant clergy in his Majesty’s said province “ to be actually resident within the same, and not otherwise, according to such “ directions as the said Guy Carleton, esquire, his Majesty’s captain general and “ governor in chief in and over his Majesty’s said province, should receive from “ his Majesty in that behalf, and that in like manner all growing rents and “ profits of a vacant benefice should during such vacancy be reserved for “ and applied to the like uses:” And whereas his Majesty’s pleasure has likewise been signified to the same effect in his Majesty’s royal instructions given in like manner to Sir Frederick Haldimand, knight of the most honourable Order of the Bath, late his Majesty’s captain general and governor in chief in and over his Majesty’s said province of Quebec, and also in his Majesty’s royal instructions given in like manner to the said Right Honourable Guy Lord Dorchester, now his Majesty’s captain general and governor in chief in and over his Majesty’s said province of Quebec: Be it enacted by the authority aforesaid, that the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by his Majesty in consequence thereof by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively or any part thereof shall be expressly varied or repealed by any Act or Acts which may be passed by the legislative council and assembly of the said provinces respectively and assented to by his Majesty, his heirs or successors, under the restriction herein-after provided.

XXXVI. AND whereas his Majesty has been graciously pleased by message to both Houses of Parliament to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased by his said message further to signify his royal desire that such provision may be made with respect to all future grants of land within the said provinces respectively as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof: Therefore, for the purpose of more effectually fulfilling his Majesty’s gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be

estimated at the time of making such grant, equal in value to the seventh part of the lands so granted. [Rep., Stat. Law Rev. Act, 1871.]

XXXVIII. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, from time to time, with the advice of such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted or erected within such province, one or more parsonage or rectory or parsonages or rectories according to the establishment of the Church of England, and from time to time, by an instrument under the great seal of such province, to endow every such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid in respect of any lands within such township or parish which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose by or in virtue of any instruction which may be given by his Majesty in respect of any lands granted by his Majesty before the commencement of this Act, as such governor, lieutenant governor or person administering the government shall, with the advice of the said executive council, judge to be expedient under the then existing circumstances of such township or parish.

His Majesty may authorize the governor, with the advice of the executive council, to erect parsonages, and endow them ;

XXXIX. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor, lieutenant governor or person administering the government of each of the said provinces respectively to present to every such parsonage or rectory an incumbent or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein ; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits and emoluments thereunto belonging or granted, as fully and amply and in the same manner and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

and may authorize the governor to present incumbents to them, who are to enjoy the same as incumbents in England.

XL. PROVIDED always, and be it further enacted by the authority aforesaid, that every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory and of the rights, profits and emoluments thereof by any such incumbent or minister, shall be subject and liable to all rights of institution and all other spiritual and ecclesiastical jurisdiction and authority which have been lawfully granted by his Majesty's royal letters patent to the bishop of Nova Scotia, or which may hereafter by his Majesty's royal authority be lawfully granted or appointed to be administered and executed within the said provinces or either of them respectively by the said bishop of Nova Scotia or by any other person or persons according to the laws and canons of the Church of England which are lawfully made and received in England.

Presentations to parsonages and the enjoyment of them to be subject to the jurisdiction granted to the bishop of Nova Scotia, &c.

XLIII. AND be it further enacted by the authority aforesaid, that all lands which shall be hereafter granted within the said province of Upper

Lands in Upper Canada to be granted in free

and common  
soccage, and  
also in Lower  
Canada if  
desired.

Canada shall be granted in free and common soccage in like manner as lands are now holden in free and common soccage in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations with respect to the nature and consequences of such tenure of free and common soccage as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the legislative council and assembly of the province.

Persons hold-  
ing lands in  
Upper Canada,  
and surrender-  
ing them, may  
have fresh  
grants thereof  
in free and com-  
mon soccage.

XLIV. AND be it further enacted by the authority aforesaid, that if any person or persons holding any lands in the said province of Upper Canada by virtue of any certificate of occupation derived under the authority of the governor and council of the province of Quebec, and having power and authority to alienate the same, shall at any time from and after the commencement of this Act surrender the same into the hands of his Majesty, his heirs or successors, by petition to the governor or lieutenant governor or person administering the government of the said province, setting forth that he, she or they is or are desirous of holding the same in free and common soccage, such governor or lieutenant governor or person administering the government shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Such fresh  
grants not to  
bar any right  
or title to the  
lands.

XLV. PROVIDED nevertheless, and be it further enacted by the authority aforesaid, that such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons other than the person or persons surrendering the same shall have been entitled either in possession, remainder or reversion or otherwise at the time of such surrender, but that every such surrender and grant shall be made subject to every such right, title and interest, and that every such right, title or interest shall be as valid and effectual as if such surrender and grant had never been made.

\* \* \* \* \*

## CHAPTER XXXII.

AN ACT to relieve, upon Conditions and under Restrictions, the Persons therein described from certain Penalties and Disabilities to which Papists or Persons professing the Popish Religion are by Law subject. [P]

Preamble.

WHEREAS by divers laws now in force divers penalties and disabilities have been imposed on Papists or persons professing the Popish religion or holding communion with the see of Rome, and their children, and certain principles have been attributed to them which are dangerous to society and civil liberty, and which they are willing to disclaim: And whereas it is expedient that such persons as shall take the oath of allegiance, abjuration

[\* So much of this Act as relates to the taking and subscribing any oath, rep., 34 & 35 Vict. c. 48.]

and declaration herein-after mentioned shall be relieved from some of the penalties and disabilities aforesaid: . . . . .

IV. . . . . Now be it further enacted, that from and after the said twenty-fourth day of June one thousand seven hundred and ninety-one no person who shall take and subscribe the oath herein-before appointed to be taken and subscribed in manner hereby required shall be presented, indicted, sued, impeached, prosecuted or convicted in any civil or ecclesiastical court of this realm for being a Papist or reputed Papist or for professing or being educated in the Popish religion, or for hearing or saying mass, or for being a priest or deacon or entering or belonging to any ecclesiastical order or community of the Church of Rome, or for being present at or performing or observing any rite, ceremony, practice or observance of the Popish religion, or maintaining or assisting others therein. [Rep., 34 & 35 Vict. c. 48.]

No person who shall have taken the appointed oath prosecutable for being a Papist, &c.

V. PROVIDED always, and be it further enacted, that no place of congregation or assembly for religious worship shall be permitted or allowed by this Act until the place of such meeting shall be certified to the justices of the peace at the general or quarter sessions of the peace for the county, city or place in which such meeting shall be held, and until the place of such meeting shall be recorded at the said general or quarter sessions, the clerk of the peace whereof is hereby required to record the same and to give a certificate thereof to such person as shall demand the same, for which there shall be no greater fee or reward taken than the sum of sixpence; and that no person in holy orders or pretended holy orders, whether as priest or as a minister of any other higher rank or order, shall perform any ecclesiastical function or otherwise officiate in any such place of meeting, until his name and his description as a priest or minister shall have been recorded at the quarter or other general session of the peace for the county or other division or place in which such place of meeting shall be situate by the clerk of the peace of the said court, who is hereby required to record such name and description accordingly upon demand by such person and upon payment of sixpence as a fee or reward, and shall give a certificate thereof to such person as shall from time to time demand the same, for which certificate no greater fee or reward shall be taken than two shillings; and no priest or minister of any rank in holy orders or pretended holy orders who shall officiate in any such place of meeting not so recorded as aforesaid shall be deemed to be within the benefit of this Act for any purpose whatsoever.

No assembly for religious worship allowed under this Act till it shall be certified to the quarter sessions, &c.,

nor any person to perform any ecclesiastical function therein until his name, &c. be recorded by the clerk of the peace.

VI. PROVIDED always, and be it further enacted, that if any assembly of persons professing the Roman Catholick religion shall be had in any place for religious worship with the doors locked, barred or bolted during any time of such meeting together, all and every person and persons who shall come to or be at such meeting shall not receive any benefit from this law, but, notwithstanding having taken the aforesaid oath of allegiance, abjuration and declaration, shall from the time of conviction be liable to the same pains and penalties for such their meeting as if this Act had not been made.

No such place of assembly to be locked during the meeting.

VII. AND be it further enacted, that if any person professing the Roman Catholick religion shall hereafter be chosen or otherwise appointed to bear the office of high constable or petty constable, churchwarden, overseer of the poor or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment

Roman Catholics may execute the office of constable, &c. by deputy.

by a sufficient deputy by him to be provided, that shall comply with the laws in this behalf, but the said deputy shall be allowed and approved by such person or persons in such manner as such officer or officers respectively should by law have been allowed and approved.

Ministers of any Roman Catholick congregation who shall take the aforesaid oath exempted from serving on juries, &c.

VIII. AND be it further enacted, that every priest or other person in holy orders or pretended holy orders, being a minister, teacher or preacher of any congregation of persons professing the Roman Catholick religion, who shall take and subscribe the aforesaid oath of allegiance, abjuration and declaration in manner herein-before prescribed, shall from thenceforth be exempted from serving upon any jury or from being chosen or appointed to bear the office of churchwarden, overseer of the poor, or any other parochial or ward office or other office in any hundred of any shire, city, town, parish, division or wapentake.

\* \* \* \* \*

Act not to extend to Roman Catholick ecclesiasticks in certain cases ;

XI. PROVIDED always, and be it further enacted, that no benefit in this Act contained shall extend or be construed to extend to any Roman Catholick ecclesiastick permitted by this Act who shall officiate in any place of congregation or assembly for religious worship permitted by this Act with a steeple and bell, or at any funeral in any church or church-yard, or who shall exercise any of the rites or ceremonies of his religion or wear the habits of his order, save within some place of congregation or assembly for religious worship permitted by this Act, or in a private house where there shall not be more than five persons assembled besides those of the household, or who shall not previously to his so officiating or exercising his functions as aforesaid have taken and subscribed the oath of allegiance, abjuration and declaration hereby appointed to be taken as aforesaid.

nor to exempt Roman Catholicks from paying tythes, &c.,

XII. PROVIDED also, and be it further enacted, that nothing herein contained shall be construed to exempt any such person professing the Roman Catholick religion from paying tythes or other parochial duties or any other duties to the church or minister, or from any prosecution in any ecclesiastical court or elsewhere for the same, or to repeal any part of the Act made in the twenty-sixth year of the reign of his late Majesty King George the Second, intituled "An Act for the better preventing of clandestine marriages," or any parts of any other statutes concerning marriages, . . . . . or to repeal or affect any law now in force concerning the right or succession to or the limitation of the crown.

nor to repeal any part of 26 Geo. 2. [c. 33.], &c.

No Roman Catholick who shall take the appointed oath prosecutable for teaching youth ;

XIII. AND be it further enacted by the authority aforesaid, that no ecclesiastick or other person professing the Roman Catholick religion, who shall take and subscribe the oath of allegiance, abjuration and declaration herein-before mentioned and appointed to be taken and subscribed as aforesaid, shall be prosecuted in any court whatsoever for teaching and instructing youth as a tutor or schoolmaster, any law or statute to the contrary notwithstanding.

but no Roman Catholick to hold the mastership of any college or school of royal foundation, &c.

XIV. [¶] PROVIDED always, that no person professing the Roman Catholick religion shall obtain or hold the mastership of any college or school of royal foundation or of any other endowed college or school for the education of

[¶ So much of this section as relates to any of the universities of Oxford, Cambridge and Durham, rep., 34 & 35 Vict. c. 26. s. 8.]

youth, or shall keep a school in either of the universities of Oxford and Cambridge.

\* \* \* \* \*

XVII. PROVIDED also, and be it further enacted, that nothing in this Act contained shall make it lawful to found, endow or establish any religious order or society of persons bound by monastick or religious vows, or to found, endow or establish any school, academy or college, by persons professing the Roman Catholick religion within these realms or the dominions thereunto belonging; and that all uses, trusts and dispositions, whether of real or personal property, which immediately before the said twenty-fourth day of June one thousand seven hundred and ninety-one shall be deemed to be superstitious or unlawful shall continue to be so deemed and taken, any thing in this Act contained notwithstanding.

No religious order, &c. to be founded by Roman Catholics, &c.

\* \* \* \* \*

XXIII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to that part of Great Britain called Scotland.

Act not to extend to Scotland.

## CHAPTER LVI.

AN ACT more effectually to prevent Abuses and Frauds committed by Persons employed in the Manufactures of combing Wool and Worsted Yarn in the County of Norfolk and City of Norwich and County of the said City.

WHEREAS by certain Acts of Parliament made in the twenty-second year of the reign of King George the Second and the fourteenth and fifteenth years of the reign of his present Majesty, "for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair and silk manufactures, and for preventing unlawful combinations of journeymen dyers and journeymen hotpressers and of all persons employed in the said several manufactures, and for the better payment of their wages," certain penalties and punishments in the said Acts respectively mentioned are inflicted upon all persons who shall reel short or false yarn and on persons embezzling the materials used in the said manufactures: And whereas the purposes of the said Acts have been greatly frustrated within the county of Norfolk and city of Norwich and county of the same city from the woolcombers and makers of worsted yarn being unwilling to expose themselves singly to the loss attending the resentment of the spinners and work people by prosecuting them for offences against the said Acts: And whereas this important branch of the woollen manufacture within the places aforesaid will be greatly prejudiced unless the woolcombers and makers of worsted yarn are enabled jointly to carry the said Acts into effectual execution, and unless some further regulations are made to prevent frauds and abuses committed by persons employed in the manufactures of combing wool and worsted yarn, which cannot be done without the aid of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Preamble.

22 Geo. 2.  
[c. 27.]  
14 Geo. 3.  
c. 44.  
15 Geo. 3.  
c. 14.

General meeting of the manufacturers in Norfolk ;

who shall elect 12 persons to be a committee.

Committee to nominate inspectors.

No journeyman to vote at meeting, &c.

Committee to appoint a clerk, to keep record of their transactions ;

which may be inspected by manufacturers.

Committee to hold quarterly meetings.

Parliament assembled, and by the authority of the same, that a general meeting of the woolcombers and makers of worsted yarn in the county of Norfolk and city of Norwich and county of the same city shall be held at the city of Norwich upon or before the second day of September one thousand seven hundred and ninety-one, at the hour of eleven of the clock in the forenoon, notice of which shall be given in some of the Norwich newspapers at least twenty-one days before the said meeting by the clerk of the peace for the city of Norwich, at which said general meeting such of the said woolcombers and makers of worsted yarn as shall be present shall have votes, and having first chosen a chairman shall elect, nominate and appoint twelve persons from amongst themselves, which said twelve persons so to be elected shall be a committee of the said woolcombers and makers of worsted yarn until another committee shall be chosen and appointed in the manner herein-after provided, and so as often as there shall be occasion ; which committee are hereby authorised and impowered to nominate and recommend proper persons to be licensed by the justices of the peace for the county of Norfolk and city of Norwich and county of the same city respectively at any of their quarter sessions or any adjournment thereof to be inspectors for the purposes herein-after mentioned ; and the said committee shall also have the direction of all prosecutions of offenders against this and the said before-mentioned Acts and the management of the fund or funds herein-after created, and shall have power to do all other matters and things which may be deemed necessary and proper for carrying this Act into execution in such manner as the said committee shall from time to time think best for the interest and advantage of all the woolcombers and makers of worsted yarn in the county of Norfolk and city of Norwich and county of the same city.

II. PROVIDED always, that no woolcomber or maker of worsted yarn who shall be employed as a journeyman shall attend or have a vote at any meeting to be held in pursuance of this Act or in any manner interfere in the carrying of this Act into execution.

III. AND be it further enacted, that it shall be lawful for the said committee at any quarterly meeting assembled, and they are hereby authorised and required, from time to time to nominate and appoint by writing under their hands a proper person to be their clerk, which said clerk shall attend the meetings of the said committee, and shall, in proper books to be provided for that purpose, enter and keep true and perfect accounts of all the acts, proceedings and transactions of the said committee ; and that each and every of the said woolcombers and makers of worsted yarn shall and may at all convenient times have recourse to and peruse and inspect all such books gratis, and may demand and have copies thereof or of any part thereof, paying two-pence for every one hundred words so to be copied ; and if any such clerk shall refuse to permit any such woolcomber or maker of worsted yarn to inspect any such book, or refuse or wilfully neglect to make and deliver any copy thereof or of any part thereof at the rate aforesaid, he shall for every such offence forfeit the sum of five pounds.

IV. AND be it further enacted, that for the purposes aforesaid a meeting of the said committee shall be held four times in every year, (that is to say) on the first Friday in the months of January, April, July and October, at five of the clock in the afternoon of each and every of the said days, in the city of



Norwich, and the committee at such quarterly meetings shall have power to adjourn themselves from time to time as occasion may require, the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are herein-before appointed to be held which shall happen after the election of such committee, and at such place as shall be fixed and agreed upon by such committee after their election; and at such first quarterly meeting and every subsequent meeting of such committee a chairman for each such meeting shall be chosen, and at every such quarterly meeting the place at which the then next quarterly meeting shall be held shall be fixed upon and appointed by the majority of such committee then assembled; and the chairman of such committee is hereby required to cause fourteen days notice to be given of the time and place of the next following quarterly meeting of such committee in some of the Norwich newspapers; and all matters or things that shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee there present; and if there shall be an equality of votes upon any question which shall come before the said committee after the chairman shall be chosen, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Chairman to be chosen, &c.

Questions to be determined by a majority; and chairman to have casting vote.

V. PROVIDED nevertheless, that in case at any such quarterly meetings or at any adjournment thereof there shall not be present and assembled five of the persons constituting such committee, then and in such case no business whatsoever shall be done at such meeting or adjournment, except that (if such meeting shall be a quarterly meeting) then the majority of the persons present shall appoint the place at which the then next ensuing quarterly meeting shall be held, and shall cause fourteen days notice to be given thereof in some of the Norwich newspapers, or in case no such appointment shall be made and notice thereof given as aforesaid the next quarterly meeting shall be held at the place where the last quarterly meeting was appointed to be held.

No business to be done at quarterly meetings unless five members are present.

VI. PROVIDED always, and be it further enacted, that if at any time it shall appear to any three or more of such committee that, for the more effectual putting any of the powers granted by this Act into execution or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall be lawful for the said three or more of the said committee to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where and the time when such special meeting shall be appointed to be held, which notice shall be given seven days at the least before the time appointed for such special meeting; and in case there shall be then present at such special meeting five of the said committee, it shall be lawful for such of the said committee so present to proceed in the execution of the powers given by this Act to the said committee.

Three committee men may call a special meeting.

VII. AND be it further enacted, that in case any of the said committee shall die or decline business as a woolcomber or maker of worsted yarn, or shall go to reside in any county, city or place not subject to the regulations of this Act, or shall wilfully absent himself from the said quarterly meetings for the space of one year, or refuse to act, then and in every such case it shall be lawful for the said committee at any of their quarterly meetings, there

New committee men to be chosen in case of death, &c.

being five of such committee then present, to choose another proper person, being a woolcomber or maker of worsted yarn within the county of Norfolk or city of Norwich or county of the same city, in his place, who shall have the same power and authority as if appointed at a general meeting.

If committee neglect their duty,

justices, on complaint thereof, may call a general meeting of manufacturers ;

and a new committee may be elected.

Justices to appoint inspectors of yarn.

Committee to station inspectors and allow them salaries.

VIII. AND be it further enacted, that if at any time it shall appear to any twenty or more of the woolcombers or makers of worsted yarn within the county of Norfolk and city of Norwich and county of the same city that the said committee neglect to discharge their duty touching the execution of this Act, and such twenty or more of such woolcombers or makers of worsted yarn shall in writing under their hands make complaint thereof to the justices of the peace at any of the general or quarter sessions of the peace for the said city and county of the same city or any adjournment thereof to be assembled, then and in such case it shall be lawful for such justices in such sessions assembled and they are hereby required (if they shall think proper after hearing the nature of such complaint) to call and appoint a general meeting of the woolcombers and makers of worsted yarn within the county of Norfolk and city of Norwich and county of the same city, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting in some of the Norwich newspapers, setting forth the place where and the time when such general meeting shall be held, the same not being less than twenty-one days after such notice given ; and it shall be lawful for such woolcombers and makers of worsted yarn present at such general meeting to elect, nominate and appoint a committee consisting of the same number of persons and in the like manner and under and subject to the like orders, regulations and directions as is and are herein-before laid down and ordered for the election of the first committee, and the persons so elected, nominated and appointed to be a new committee in manner aforesaid shall thereupon be invested with the same powers and authorities as the former committee were invested with, and the powers and authorities by this Act given to the former committee shall from thenceforth cease and determine.

IX. AND for preventing frauds and abuses for the future by persons employed in the manufactures of combing wool and worsted yarn within the limits aforesaid, and for the more effectually carrying this Act into execution, be it further enacted, that the justices of the peace for the county of Norfolk and city of Norwich and county of the same city respectively at their first or second quarter sessions of the peace to be holden for the county of Norfolk and city of Norwich and county of the same city respectively next after the first general meeting of the said woolcombers and makers of worsted yarn to be held in pursuance of this Act, or any adjournment of such sessions, shall and may and they are hereby authorized and required to licence and appoint such persons of good character and repute as shall be recommended to the said justices by the said committee to be inspectors of worsted yarn within the county of Norfolk and city of Norwich and county of the same city, such recommendation to be signified in writing under the hand of the chairman of such committee.

X. AND be it further enacted, that the said committee shall and may and they are hereby authorized to station such inspectors for such districts in the county of Norfolk and city of Norwich and county of the same city as the

said committee shall think proper, notwithstanding the jurisdiction of the justices who shall have licensed such inspectors respectively shall not extend to the whole of the respective districts for which they shall be respectively stationed, and shall and may assign, allow and pay to the said inspectors so appointed such yearly salaries as the said committee shall think proper out of the fund herein-after mentioned to be raised for that and the other purposes of this Act, and also shall and may remove, dismiss and displace any of such inspectors who by sickness or any other accident shall be rendered incapable of serving the said office, or shall misbehave or not conduct himself or themselves to the satisfaction of such committee.

XI. AND be it further enacted, that the said inspectors so appointed shall severally and respectively in the several districts allotted to them by the said committee use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former Acts, and also shall and do from time to time and as often as they shall be thereto required by the said committee inspect the several reels of all and every the spinners of worsted yarn in their respective districts, and also the hanks or skeins of worsted yarn in the custody or possession of such spinners, in order to see that the directions herein-after laid down for reeling such yarn be complied with, and also shall and do from time to time when and as they or any of them shall detect any person or persons offending against this or the said former Acts within their respective districts lodge informations against such offender or offenders before any justice of the peace for the county or place where such offence shall be committed, and prosecute such offender or offenders to conviction; and it shall be lawful for every such inspector from time to time as occasion shall require to inspect the yarn in the custody of any putter-out of wool or of any agent hired or employed to put out wool, or of any spinner of such wool or worsted yarn within such respective districts; and in case any such person shall refuse to shew and produce the yarn in his or her custody, he or she shall forfeit and pay such sum of money, not exceeding ten pounds nor less than five pounds if a putter-out of wool or an agent or person hired or employed to put out wool, and not exceeding twenty shillings nor less than five shillings if a spinner, as such justice before whom he or she shall be convicted shall think proper.

Inspectors to use diligence in convicting and bringing offenders to justice, &c.

Power to inspect yarn in custody of putter-out of wool, &c.

XII. AND be it further enacted, that every person employed or undertaking to spin or reel worsted yarn for hire in the said county of Norfolk and city of Norwich and county of the same city shall reel or cause or procure the same to be reeled either upon a yard reel of thirty-six inches or a seven quarter reel of sixty-three inches or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, each and every several hank or skein of such worsted yarn which shall be so reeled shall consist of or contain such a number of raps or leas, each and every of which raps or leas consisting of or containing eighty threads of such worsted yarn, as is herein-after specified; (that is to say) every hank or skein shall be seven leas reeled on the yard reel and six leas reeled on the seven quarter reel and seven leas reeled on the eight quarter or two yard reel; and that every hank or skein that shall be used as a binder to tie up or bind together any pound or parcel of yarn shall contain the same number of threads in a rap or lea and the same number of raps or leas as the other hanks or skeins in the said pound or parcel.

Directions how worsted yarn shall be reeled.

General regulations for putting out wool for spinning, &c.

XIII. AND be it further enacted, that no person employed to spin wool or to put out wool for spinning within the county of Norfolk and city of Norwich and county of the same city shall take in or have in his or her possession at one and the same time the wool or yarn belonging to more than one woolcomber or maker of worsted yarn; and that every person who shall put out wool or take in yarn otherwise than as above specified, being a putter-out of wool, shall pay the sum of forty shillings, and being a spinner shall pay the sum of five shillings for every such offence, which penalty shall be paid into the hands of the nearest inspector, and shall be made part of the fund herein-after directed to be established.

Further regulations respecting putting out wool, &c.

XIV. AND be it further enacted, that every spinner to whom any wool shall be put out to be spun within the county of Norfolk and city of Norwich and county of the same city, and who shall keep the same in his or her custody more than four months before the same shall be wrought and delivered back to the woolcomber or maker of worsted yarn to whom the same shall belong, or his or her agent, unless prevented working and delivering back such wool by some inevitable cause, shall be deemed guilty of embezzling the same.

Penalties on false reeling of worsted yarn,

XV. AND be it further enacted, that if any person hired or employed in the combing of wool or in the spinning, reeling or winding of worsted yarn in the county of Norfolk and city of Norwich and county of the same city shall reel or cause to be reeled or spin or cause to be spun any worsted yarn contrary to the directions before specified and laid down for the spinning or reeling such yarn (whether such yarn shall remain in his or her possession or custody or shall have been delivered by him or her to the putter-out or other person from whom he or she shall have received the wool from which such yarn shall have been spun), or shall conceal, keep back, embezzle, sell or otherwise dispose of any wool or other materials entrusted with him or her to spin, or for any other purpose, every such person shall for every such offence be subject and liable to the same penalties and punishments as are severally inflicted by the said former Acts, so far as the said former Acts or any of them are unrepealed, and which said penalties (after deducting thereout all the expences attending the conviction of the offender or offenders and the recovery of such penalties) shall be publicly distributed by the overseer of the poor of the township, parish or place where such offence or offences shall be committed, under the direction of the justice or justices before whom the offender or offenders shall have been convicted, among the poor of such township, parish or place.

or embezzling wool put out for spinning.

Prosecutors not liable to charges of conveying offenders to prison.

XVI. PROVIDED always, that nothing in this Act contained shall extend to the subjecting any prosecutor of any offender against this and the said former Acts to any charges or expences of conveying such offender to prison, but such charges and expences shall be paid and borne by the constable or other officer conveying such offender to prison, and such constable or other officer shall be reimbursed and repaid such charges and expences in like manner as he is reimbursed and repaid any other charges or expences incurred in his said office.

No part of penalties to be given to offenders.

XVII. PROVIDED nevertheless, that no part or share of such penalties or forfeitures be given to such offender or offenders, his, her or their family or families.

Penalty on agents refusing

XVIII. AND be it further enacted, that if any agent or person hired or employed to put out wool to be spun into worsted yarn within the county of

Norfolk and city of Norwich and county of the same city shall have in his or her custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse or wilfully neglect to set forth and give in evidence before any of his Majesty's justices of the peace for the county, city, town or place wherein such agent or person shall reside (being thereto required by any woolcomber or maker of worsted yarn or inspector) what person or persons was or were the reeler or reelers of such yarn, or who was or were hired or employed to reel the same, so that the person or persons who reeled or caused to be reeled such yarn may be lawfully convicted thereof, he or she so refusing or not setting forth or giving in evidence as aforesaid shall forfeit and pay the sum of five shillings for every pound of such yarn, and so in proportion for any greater or less quantity than a pound, which shall be found in his or her custody, which penalty shall go, be paid and applied by every such person and in such manner and form to the poor of the township or place as any penalties herein-before mentioned are directed to be paid and applied.

to discover persons guilty of reeling false yarn.

XIX. AND be it further enacted, that every person who shall be employed to put out wool to be spun into worsted yarn by any woolcomber or woolcombers or maker or makers of worsted yarn within the county of Norfolk and city of Norwich and county of the same city shall be answerable to such woolcomber or woolcombers or maker or makers of worsted yarn for all the wool he or she shall have received from such woolcomber or woolcombers or maker or makers of worsted yarn; and it shall be lawful for any justice of the peace for the county, city, town or place where any person who shall be employed to put out wool to be spun into yarn as aforesaid shall reside, upon the complaint of any woolcomber or woolcombers or maker or makers of worsted yarn within the county of Norfolk and city of Norwich and county of the same city, or of his, her or their agent or agents, to issue a summons requiring such person against whom such complaint shall be made to appear before such justice at some time and place to be specified in such summons; and if the woolcomber or woolcombers or maker or makers of worsted yarn on whose behalf such summons shall be issued shall prove by the oath of any credible witness, or by the affirmation of any credible witness being of the people called Quakers, to the satisfaction of such justice, that the person against whom such summons shall have been issued, or if such person shall confess, that he or she hath received from such woolcomber or woolcombers or maker or makers of worsted yarn any wool to be put out to be spun into worsted yarn for which he or she is answerable, and shall not have delivered the same to such woolcomber or woolcombers or maker or makers of worsted yarn, having received forty days notice so to do, or paid to him or them the value of such wool, then it shall be lawful for such justice and he is hereby required to issue his warrant for the raising and levying by distress and sale of the goods and chattels of the person against whom such summons shall have been issued, not only the value (to be ascertained by such justice) of the wool for which he or she shall be answerable as aforesaid, but also all the charges and expences of raising and levying the same, rendering the overplus, if any, to the owner of such goods and chattels, the value of which said wool, or so much thereof as shall be raised and levied, shall be paid to the person or persons to whom such wool shall belong.

Putters-out of wool to be answerable for the wool given them to be put out.

Proceedings against them in case of default.

Upon the death, &c. of inspectors, others to be appointed.

XX. PROVIDED always and be it further enacted, that if any person who shall be so appointed an inspector of worsted yarn shall die or be removed or displaced from his said office, it shall in every such case be lawful for the justices of the peace of the county of Norfolk and city of Norwich and county of the same city respectively in quarter sessions assembled, or in any adjournment thereof, and they are hereby required, to licence some other proper person to be an inspector of worsted yarn in his stead, upon the recommendation of the said committee, which said person shall be invested with all the powers and subject to the like removal and liable to the like penalties for any breach or neglect of duty as the inspector in whose place he shall be appointed to succeed was invested with or subject or liable to.

Punishment of inspectors screening offenders from justice.

XXI. AND be it further enacted, that in case any inspector so appointed as aforesaid shall at any time take or receive from any person offending against this or the said former Acts any sum of money or other thing whatsoever, to screen such person so offending as aforesaid from justice or otherwise to hinder or prevent him or her from being convicted of the offence committed by him or her, and being thereof convicted upon oath of two or more credible witnesses or on the solemn affirmation of two or more credible witnesses being of the people called Quakers, before any justice of the peace of the county, city, town or place where such offence shall be committed, which oath or affirmation such justice is hereby impowered to administer, then and in such case it shall be lawful for such justice to commit such inspector so offending to the house of correction or other publick prison for the space of one month.

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Recovery of penalties and infliction of punishments.

XXV. AND be it further enacted, that in all cases where any penalties or forfeitures are laid or imposed or authorised to be levied and recovered and also where any punishments are directed to be inflicted by virtue of this Act (except only where the manner of inflicting any such punishment is by this Act particularly directed), the several penalties and forfeitures shall be levied and recovered and punishments inflicted by such and the like ways and means and in such and the like manner as any penalties or forfeitures can or may be levied and recovered or any punishment inflicted by virtue of the said former Acts made in the twenty-second year of the reign of King George the Second and the fourteenth and fifteenth years of the reign of his present Majesty, or any of them, for offences committed against the said recited Acts or any of them, and that the money arising from such penalties and forfeitures (except such as are hereby directed to be otherwise applied) shall be paid to the treasurer to be appointed by the said committee by virtue of this Act, and shall be applied to and for the purposes of this Act.

No distress to be made for a penalty for false or short reeling, &c.,

but if penalty be not paid, offender to be committed.

XXVI. PROVIDED nevertheless, and be it further enacted, that no distress of the goods and chattels of any person shall be made for any penalty incurred for reeling or causing to be reeled or spinning or causing to be spun any worsted yarn contrary to the directions before specified and laid down for the spinning and reeling of such yarn, but that every such person shall, in case he or she shall not immediately after conviction of such offence pay the penalty to which he or she shall become subject or liable by virtue of the said former Acts or any of them or of this Act, and the costs and charges attending such conviction, be committed to prison by the justice or justices of the peace before whom he or she shall be convicted for any term not

exceeding one calendar month, or until such penalty and the costs and charges of such conviction and of conveying him or her to prison shall be paid.

XXVII. AND be it further enacted, that the justice or justices before whom any offender shall be convicted as aforesaid shall cause the conviction to be made out in manner and form following; (that is to say,)

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord \_\_\_\_\_ A.B. is convicted before me [or us] of his Majesty's justices of the peace for [specifying the offence and the place where the same was committed].

Given under my hand and seal [or our hands and seals] the day and year aforesaid.

Which conviction the said justice or justices shall cause to be fairly written on parchment, and returned to the next general quarter sessions of the peace for the county, city, town or place where such conviction shall be made, to be filed by the clerk of the peace, and remain and be kept amongst the records of such sessions.

XXVIII. AND be it further enacted, that if any person or persons shall find him, her or themselves aggrieved by any order or warrant made by any justice or justices of the peace, or upon any conviction before him or them in pursuance of this Act, such person or persons may appeal to the next general quarter sessions of the peace to be held for the county, city, town or place where the cause of appeal shall arise, which shall not be held within fourteen days after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons on whose evidence the order, warrant or conviction was made, and giving security to the satisfaction of any such justice of the peace as aforesaid to prosecute such appeal with effect and to pay the costs which shall be ascertained by the said quarter sessions in case the order or judgement be affirmed; and the justices in the said quarter sessions are hereby authorised to hear and determine such appeal and to make such order therein and to award such costs as to them shall appear just, which order shall be final and conclusive to all parties and shall not be removed or removeable by any writ of certiorari or otherwise into any of his Majesty's courts of record at Westminster or elsewhere.

XXIX. PROVIDED nevertheless and be it further enacted, that no order or other proceedings so made or had by or before any justice or justices of the peace in relation to the premises shall be quashed or vacated for want of form only.

XXX. [¶] AND be it further enacted, that if any suit or action shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this Act, every such suit or action shall be commenced within six calendar months next after the fact committed and not afterwards, and shall be severally laid, brought and tried in the county or place wherein the cause of action shall have arisen and not elsewhere; and the defendant or defendants in every such suit or action shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had

Form of conviction.

Persons aggrieved may appeal to the next quarter sessions;

giving notice, and security to prosecute, &c.

Order of justices to be final.

Proceedings not to be quashed for want of form.

Limitation of actions.

General issue.

[\* So much as relates to limitation of actions, pleading of general issue and treble costs, rep., Stat. Law Rev. Act, 1861.]

thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs and have the like remedy for the same as any defendant hath for costs in other cases at law.

Treble costs.

Publick Act.

XXXI. AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons without specially pleading the same.

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## 32 GEORGE III. A.D. 1792.

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### STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
A.D. 1790,

IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,

AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
THIRTY-FIRST DAY OF JANUARY, A.D. 1792,  
BEING THE SECOND SESSION OF THE SEVENTEENTH PARLIAMENT OF  
GREAT BRITAIN.

### CHAPTER XLII.

AN ACT to empower the High Court of Chancery to lay out a further Sum of the Suitors Money upon proper Securities, and for applying the Interest towards discharging the Expences of the Office of the Accountant General, and for building Offices for the Masters in Ordinary in Chancery and a Publick Office for the Suitors of the said Court, and Offices for the Secretaries of Bankrupts and Lunaticks, and for building Repositories for securing the Title Deeds of the Suitors of the said Court and the Records and Proceedings of the Commissioners of Bankrupts and Lunaticks.

I. . . . . Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that out of the common and general cash belonging to the suitors of the said Court of Chancery which now lies or shall hereafter lie dead and unemployed in the Bank of England a sum not exceeding three hundred thousand pounds shall and may, by virtue of any order or orders of the said court to be made for that purpose from time to time, be placed out in one entire sum or in parcels in the name of the accountant general of the High Court of Chancery, according to the general rules and orders of the said court, on such government or parliamentary securities as in and by such order or orders shall be directed, and shall be carried to an account of monies placed out for the benefit and better security

300,000*l.* of  
cash unem-  
ployed in the  
bank belonging  
to suitors in  
chancery, may  
be placed out  
on government  
securities, &c.



of the suitors of the High Court of Chancery, to the intent that the interest and annual produce arising from the money so to be placed out may be applied for the purposes herein-after mentioned. [Rep., 32 & 33 Vict. c. 91. s. 34.]

III. AND be it further enacted, that out of the interest and dividends of the said securities to be purchased under the authority of this Act the several payments and salaries herein-after mentioned shall be paid by the governor and company of the Bank of England by virtue of an order or orders of the Court of Chancery to be made for that purpose; (videlicet,) . . . . . such sum or sums of money, not exceeding the sum of thirty thousand pounds, as the lord high chancellor of Great Britain or the lord keeper or the lords commissioners for the custody of the great seal of Great Britain for the time being shall by any order or orders of the Court of Chancery direct, to be applied in purchasing ground for and in building and compleating the offices and repositories herein-after directed to be built and compleated as herein-after is mentioned, and in paying the other expenses relating to the execution of this Act not otherwise provided for [Rep., 32 & 33 Vict. c. 91. s. 34.]; . . . . .

The interest thereof to be applied to the within mentioned purposes.

IV. AND be it further enacted, that under the direction of the lord high chancellor of Great Britain or the lord keeper or the lords commissioners for the custody of the great seal of Great Britain for the time being, by any order or orders of the Court of Chancery to be made for that purpose, proper and convenient offices for the said masters in ordinary in chancery and their clerks, and for the said secretaries of bankrupts and lunatics and their clerks, and safe and secure repositories for the deeds, books, papers and writings of and belonging to the suitors of the said court delivered or to be delivered to the said masters in ordinary in chancery, and the records, proceedings, deeds, books, papers and writings delivered or to be delivered to or left in the custody of the said secretaries of bankrupts and lunatics respectively, together with a publick office for the suitors of the said Court of Chancery in the stead or place of the present publick office, shall be built and made fit for the reception of the said masters and secretaries and the transaction of their respective business therein; and that for these purposes a proper piece of ground shall be purchased and such houses or buildings as may be upon such ground, and that the ground and houses so to be purchased shall be from time to time conveyed to and the same are hereby declared to be vested in his Majesty, his heirs and successors, for the purposes of this Act. [Rep., 32 & 33 Vict. c. 91. s. 34.]

By order of the Court of Chancery, offices for the masters in chancery, and repositories for deeds, &c. to be erected.

VII. AND be it further enacted, that it shall and may be lawful for all bodies politick, corporate or collegiate, corporations aggregate or sole, and for all executors or administrators, husbands, guardians, committees and other trustees whatsoever, for and on behalf of themselves, their heirs and successors, and also for tenants for life of estates in settlement if of age, other than femmes covert, and for the guardians of such tenants for life as may be infants, and the husbands of such tenants for life as may be femmes covert, for and on behalf of themselves and all infants, issue unborn, lunatics, ideots, femmes covert or under any other disability, and also for all persons who are or shall be seized or possessed of or interested in any houses, buildings, lands, tenements, hereditaments, easements or privileges which may be convenient for the scite of or for a way to the offices and repositories to be built in pursuance of this Act, to treat, contract and agree for the sale of all and every such houses, buildings, lands, tenements, hereditaments, easements and privileges, for the purposes aforesaid, and to grant, sell and convey the same for the purposes aforesaid [Rep., 32 & 33 Vict. c. 91. s. 34.]:

Bodies politick, &c. may sell houses, &c. for the purposes of this Act.

VIII. AND be it further enacted, that all sums of money which shall be so agreed to be paid for the purchase of any houses, buildings, lands, tenements, hereditaments, easements or privileges which shall belong to any corporation sole, infant, lunatick, feme-covert, or shall be a trust estate or limited in strict settlement, shall in case such sum or sums of money respectively shall amount to or exceed the sum of two hundred pounds be laid out, as soon as conveniently may be, with the consent of the said Court of Chancery (upon a petition to be for that purpose presented in a summary way), in the purchase of other lands, tenements and hereditaments which shall be conveyed and

Directions for the disposal of purchase money of lands, &c. belonging to corporations, &c.

settled in lieu of the lands, tenements, hereditaments, easements or privileges which may be sold as aforesaid, and that the charges of such conveyances and settlements and the petitions for that purpose shall be paid in the same manner as the other expences relating to the building the said offices and repositories are hereby directed to be paid; and in the mean time and until such purchase or purchases shall be made, and in cases where the purchase money shall not amount to the said sum of two hundred pounds, the money agreed to be paid for such purchases respectively as aforesaid shall be laid out in some government securities in the name and with the privity of the accountant general of the Court of Chancery according to the general rules and orders of the said court and without fee or reward, and the interest and dividends arising upon such securities shall from time to time be paid to such person or persons respectively as would have been intitled to the rents and profits of the houses, buildings, lands, tenements, hereditaments, easements and privileges which may be sold for the purposes aforesaid in case the same had not been sold; and in cases where the purchase money shall not amount to the said sum of two hundred pounds such money shall belong absolutely to the person or persons who would have been able by fine, recovery or otherwise to have acquired the absolute dominion over or property of or in and to have disposed of the hereditaments which may be sold for the purposes aforesaid, in case such hereditaments had not been sold; and the security or securities wherein such money shall be invested shall be transferred to the person or persons to whom such money shall belong, upon a petition to be presented for that purpose to the said Court of Chancery in a summary way, the expence of which shall be paid in the same manner as the expences of building the said offices and repositories are hereby directed to be paid.

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## CHAPTER LVI.

AN ACT for preventing the counterfeiting of Certificates of the Characters of Servants.

Preamble.

**W**HEREAS many false and counterfeit characters of servants have either been given personally or in writing by evil disposed persons being or pretending to be the master, mistress, retainer or superintendant of such servants, or by persons who have actually retained such servants in their respective service, contrary to truth and justice and to the peace and security of his Majesty's subjects: And whereas the evil herein complained of is not only difficult to be guarded against, but is also of great magnitude and continually increasing, and no sufficient remedy has hitherto been applied: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand seven hundred and ninety-two, if any person or persons shall falsely personate any master or mistress, or the executor, administrator, wife, relation, housekeeper, steward, agent or servant of any such master or mistress, and shall either personally or in writing give any false, forged or counterfeited character to any person offering him or

Any person personating a master, &c. or giving a false character to a servant;

herself to be hired as a servant into the service of any person or persons, then and in such case every such person or persons so offending shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

II. AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and ninety-two, if any person or persons shall knowingly and wilfully pretend or falsely assert in writing that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in which he, she or they shall have hired or retained such servant in his, her or their service or employment, or for the service of any other person or persons, that then and in either of the said cases such person or persons so offending as aforesaid shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or falsely asserting in writing that a servant has been hired for a period of time or in a station ;

III. AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and ninety-two, if any person or persons shall knowingly and wilfully pretend or falsely assert in writing that any servant was discharged or left his, her or their service at any other time than that at which he or she was discharged or actually left such service, or that any such servant had not been hired or employed in any previous service, contrary to truth, that then and in either of the said cases such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or was discharged at any time, or had not been hired in any previous service ;

IV. AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and ninety-two, if any person shall offer himself or herself as a servant, asserting or pretending that he or she hath served in any service in which such servant shall not actually have served, or with a false, forged or counterfeit certificate of his or her character, or shall in anywise add to or alter, efface or erase, any word, date, matter or thing contained in or referred to in any certificate given to him or her by his or her last or former actual master or mistress, or by any other person or persons duly authorised by such master or mistress to give the same, that then and in either of the said cases such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or any person offering himself as a servant pretending to have served where he has not served, or with a false or altered certificate ;

V. AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and ninety-two, if any person or persons having before been in service shall, when offering to hire himself, herself or themselves as a servant or servants in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, that then and in such case such person or persons shall forfeit and undergo the penalty or punishment herein-after mentioned and in that behalf provided.

or who having been before in service shall pretend not to have been in such service ;

VI. AND be it further enacted by the authority aforesaid, that from and after the said first day of July one thousand seven hundred and ninety-two, if any person or persons shall be convicted of any or either of the offence or offences aforesaid by his, her or their confession, or by the oath of one or more

shall on conviction forfeit 20/.



the cause of complaint shall have arisen, such appellant entering into a recognizance with two sufficient sureties in the sum of twenty pounds each, conditioned to try such appeal and abide the order of and to pay such costs as shall be awarded by such justices at such general or quarter sessions, upon due proof of such notice being given as aforesaid and of the entering into such recognizance; which said justices shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against as they the said justices shall think proper, and the determination of such general or quarter sessions shall be final, binding and conclusive to all intents and purposes; and no conviction or order made concerning any matters aforesaid, or any other proceedings to be had touching the conviction or convictions of any offender or offenders against this Act, shall be quashed for want of form or be removed by certiorari or any other writ or process whatsoever into any of his Majesty's courts of record at Westminster.

be finally determined in a summary way, &c.

Proceedings not to be quashed for want of form or removed by certiorari.

## CHAPTER LVII.

### AN ACT for the further Regulation of Parish Apprentices.

**W**HEREAS by an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled "An Act for the relief of the poor," it is (amongst other things) enacted, that it shall be lawful for the churchwardens and overseers of the poor of any parish or the greater part of them, by the assent of two justices of the peace, to bind any children, whose parents they shall judge to be not able to keep and maintain such children, to be apprentices where they shall see convenient, till such man child should come to the age of twenty-four years and such woman child to the age of twenty-one years or the time of her marriage, the same to be as effectual to all purposes as if such child were of full age and by indenture of covenant bound him or herself: And whereas by an Act made in the eighth and ninth years of the reign of King William, intituled "An Act for supplying some defects in the laws for the relief of the poor of this kingdom," after reciting that, there being doubts whether the persons to whom such children were to be bound under and by virtue of the said statute of the forty-third year of the reign of Queen Elizabeth were compellable to receive such children as apprentices, that law had failed of its execution, it was therefore enacted, that where any poor children should be appointed to be bound apprentices pursuant to the said Act of Queen Elizabeth, the persons to whom they are so appointed to be bound apprentices shall receive and provide for them according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indentures, under the penalty in case of refusal of the forfeiture of ten pounds for every such offence, to be levied of the goods of the offender in the manner mentioned in the said Act: And whereas by an Act passed in the eighteenth year of the reign of his present Majesty, intituled "An Act to amend such part of an Act made in the forty-third year of the reign of Queen Elizabeth, intituled 'An Act for the relief of the poor,' as relates to

Preamble.

43 Eliz. c. 2.

8 & 9 Will. 3. c. 30., and

18 Geo. 3. c. 47., recited.

“ the binding of parish apprentices,” it was enacted, that when any man child should be bound to be an apprentice by virtue of the said Act made in the forty-third year of the reign of Queen Elizabeth, such child shall be bound to be an apprentice for no longer term than till he shall come to the age of twenty-one years : And whereas in such indentures of apprenticeship it hath been usual to insert several agreements and covenants to be done and performed by the several parties thereto ; (that is to say,) an agreement on the part of the apprentice that he will faithfully serve his master during the term of such apprenticeship, and also several covenants on the part of the master, for himself, his executors and administrators, that he the said master will teach or cause to be taught such apprentice in the business of husbandry, or in the craft, mystery or occupation which such master then useth, as the case may be, and that such master shall also during the term of such apprenticeship find and allow unto such apprentice sufficient meat, drink, apparel, lodging and all other things needful for an apprentice during such term : And whereas in the event of the death of the master during the term of such apprenticeship the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force as far as the master’s assets will extend, or doubts have arisen with respect thereto, and in consequence thereof such apprentices do frequently on the death of their master leave their master’s house, and after living in idleness return again and become a burden on their master’s effects, and so from time to time, as they think proper, which is attended with great inconvenience and hardship to the family and personal representatives of such master, and is at the same time an inducement to such apprentice to continue in a disorderly and idle course of life : And whereas the several powers given to justices of the peace for the better ordering of parish apprentices by the several Acts of Parliament made for that purpose do cease and determine on the death of the master, for which a remedy ought to be provided : And whereas several other regulations are necessary to be made respecting parish apprentices : Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand seven hundred and ninety-two, in case of the death of any master or mistress of any parish apprentice during the term of such apprenticeship, upon the binding out of which apprentice no larger sum than five pounds has been or shall be paid, such covenant as is before mentioned for the maintenance of such apprentice, inserted in the indenture of apprenticeship by which such apprentice shall have been or shall be bound, shall not continue and be in force for and during any longer time than for three calendar months next after the death of such master or mistress, and that during such three calendar months such apprentice shall continue to live with and serve as an apprentice the executors and administrators of such master or mistress, some or one of them, or such person or persons as such executors or administrators, some or one of them, shall appoint ; and the master or mistress whom such apprentice shall accordingly serve during the said three calendar months, and also such apprentice, shall during that time be subject and liable to all the laws which are or shall be in force

From July 1, 1792, covenants for maintenance of parish apprentices, with whom no more than 5*l.* shall be given, to continue in force no longer than three months after the death of the master, &c.

for the better government and regulation of masters and parish apprentices : And that in all such parish indentures of apprenticeship as aforesaid which shall be made from and after the first day of July one thousand seven hundred and ninety-two there shall be annexed to the covenant in such indentures to be entered into on the part of the master or mistress of such apprentice for such maintenance as aforesaid a proviso declaring that such covenant shall not be made to continue and be in force for any longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship, which proviso may be in the form or to the effect mentioned in the schedule hereunto annexed marked with the letter A. ; and in case such proviso shall happen to be omitted in any such indenture the covenant therein contained on the part of the master for the maintenance of the apprentice shall be deemed and taken to continue and be in force for no longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship, any thing in any such covenant to the contrary notwithstanding.

Proviso to that effect to be annexed to covenant, but if omitted the covenant to continue no longer in force.

II. AND whereas it is just and reasonable that such apprentice as aforesaid, in case of his master's death during his apprenticeship, should be obliged during the term of his apprenticeship to make some satisfaction by his labour to the family or representatives of his deceased master for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expences of his maintenance : Be it enacted, that within such three calendar months after the death of such master or mistress it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division or place where such master or mistress shall have died, on application made to them by the widow of such master or by the husband of such mistress, or by any son or daughter, brother or sister, or by any executor or executrix, administrator or administratrix, of such master or mistress, by indorsement on any such indenture of apprenticeship or the counterpart thereof, or by any other instrument in writing (which indorsement or instrument may be in the forms or to the effect mentioned in the schedule hereunto annexed marked with the letters B. and C.), to order and direct that such apprentice shall serve as an apprentice any one of such persons so making such application as aforesaid (such person having lived with and having been part of the family of such master or mistress at the time of his or her death) as the said justices shall in their discretion think fit, for and during the residue of the term mentioned in such indenture of apprenticeship, and the person obtaining such order shall declare his acceptance of such apprentice by subscribing his or her name to such order ; and that from and after such order shall be made, the executors and administrators, and the personal assets, estate and effects of the master or mistress so dying as aforesaid, shall be released and discharged of and from any promise or covenant whatsoever contained in any such indenture of apprenticeship, on the part of such master or mistress, his or her executors or administrators, to be done and performed, and the person obtaining the same shall be and be deemed and taken to be the master or mistress of such apprentice in like manner as if such apprentice had been originally bound to such master

Within three months after the death of a master, two justices may order apprentices to serve the residue of their terms with persons of the description herein specified, on application, &c.

or mistress; and that such last-mentioned master or mistress, his or her executors and administrators, each and every of them, shall be held and bound by the several promises and covenants contained in any such indenture of apprenticeship on the part of the master or mistress therein named, his or her executors or administrators, to be done and performed, in like manner as if such master or mistress obtaining such order as aforesaid had duly executed the counterpart of such indenture; and that such master or mistress and apprentice shall be subject and liable to the several penalties, provisions and regulations which shall then be in force for the better government and good order of masters and parish apprentices; and that all justices of the peace shall have the like powers and authority with respect thereto as they shall then have by any Act or Acts of Parliament relating to parish apprentices.

Provisions in case of the death of the original master to be applicable on the death of subsequent ones.

III. AND be it further enacted, that all and singular the regulations and provisions herein-before made and directed to take place on the death of the original master or mistress shall be deemed and taken to relate to the like event of the death of any such subsequent master or mistress, and to their several relations and representatives before enumerated, from time to time, as often as the case shall happen, during the continuance of the term mentioned in any such indenture of apprenticeship.

If no application be made, or the justices should not think fit that the apprenticeship should be continued, it shall be at an end.

IV. AND be it further enacted, that in case no such application shall be made as aforesaid within three calendar months next after the death of such master or mistress, or in case such two justices to whom any such application as aforesaid shall have been made shall not think fit that such apprenticeship should be continued, then the said apprenticeship shall be determined, and the indenture of apprenticeship and covenants therein contained shall be at an end in like manner as they would have been at the expiration of the term therein mentioned.

Act to extend to such parish apprentices only as shall be living with the master.

V. PROVIDED always, and be it enacted, that nothing herein-before contained shall extend or be construed to extend to any parish apprentice but to such only as shall be living with and shall make part of the family, or shall be in the actual employment of such original master or mistress, or of any subsequent master or mistress appointed under and by virtue of the several provisions of this Act, at the time of the death of any such masters or mistresses respectively.

Justices may order the necessary sums for maintenance and clothing of apprentices to be levied by distress.

VI. AND whereas much difficulty and delay must necessarily happen in bringing an action upon the covenant for maintenance before mentioned contained in any such indenture of parish apprenticeship: Be it enacted, that in case any such original master or mistress as aforesaid, or any master or mistress appointed under or by virtue of this Act, shall during the term of any such parish apprenticeship as aforesaid, or if the executors or administrators of such masters or mistresses, any or either of them, having assets, shall during such three calendar months as aforesaid refuse or neglect to maintain and provide for any such apprentice according to the terms of such covenant, it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division or place in which the parish or place shall lie to which such apprentice shall belong, on complaint of such apprentice or of the churchwardens and overseers of the poor of such parish or place,



by warrant under their hands and seals to levy by distress and sale of the personal estate and effects or assets of such master or mistress respectively such sum or sums of money as shall be necessary for the maintenance and clothing of such apprentice, and as shall also be necessary to reimburse to the churchwardens and overseers of the poor of such parish or place any sum or sums of money that shall have been reasonably expended by them for that purpose.

VII. AND whereas it frequently happens that persons are compellable, under and by virtue of the said Act of the ninth and tenth years of King William, to take a greater number of parish apprentices than it is convenient for them to maintain or employ in their own families, and they are therefore forced to place out or assign over such apprentices to other persons, and it is proper that such assignment should be legally made under the inspection and controul of the magistrates, as well for the benefit of the apprentice as that the original master may be discharged from his covenants in respect of such apprentice; and it is fit that the person to whom such assignment shall be made, and also the apprentice, should be made subject to the ordinary jurisdiction of justices of the peace with respect to masters and parish apprentices: Be it enacted, that it shall and may be lawful for any master or mistress of any such parish apprentice as aforesaid, by indorsement on the indenture of apprenticeship, or by other instrument in writing, by and with the consent of two justices of the peace of the county, city, town, riding, division or place where such master or mistress shall dwell, testified by such justices under their hands, to assign such apprentice to any person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship: Provided always, that such person to whom such apprentice is intended to be assigned shall at the same time, by indorsement on the counterpart of such indenture, or by writing under his or her hand, stating the said indenture of apprenticeship and the indorsement and consent aforesaid, declare his or her acceptance of such apprentice and acknowledge himself, herself, his or her executors and administrators, to be bound by the agreements and covenants mentioned in the said indenture on the part of the master or mistress of such apprentice to be done and performed, which indorsement or instrument may be in the forms or to the effect mentioned in the schedule hereunto annexed marked with the letters D. and E.; and in such case such apprentice shall be deemed and taken to be the apprentice of such subsequent master or mistress to whom such assignment shall be made to all intents and purposes whatsoever; and so from time to time as often as it shall be necessary or convenient for any such subsequent master or mistress to part with any such apprentice; and all justices of the peace shall have the like power and authority in the several cases last mentioned with respect as well to the subsequent master or mistress, masters or mistresses, as to the apprentice, as such justices shall then have by any law for the better regulation of parish apprentices.

Master may assign over apprentice with the consent of two justices, &c.

Assignee to testify his acceptance of such apprentice.

VIII. AND whereas no express provision has been made for the discharging of any such parish apprentice from a master or mistress who is become insolvent or is so far reduced in his or her circumstances as to be unable to employ or maintain such apprentice: Be it enacted, that it shall and

Justices may discharge apprentices whose masters cannot employ or maintain them.

may be lawful for two justices of the peace of the county, city, town, riding, division or place where any such master or mistress shall live, on the application of such master or mistress requesting that any such apprentice may be discharged for the reasons aforesaid, to enquire into the matter of such allegations, and to discharge any such apprentice from his apprenticeship in case the said two justices shall find such allegations to be true.

Preceding provisions not to extend to apprentices with whom more than 5*l*. shall be given.

IX. PROVIDED always, and be it enacted, that nothing herein-before contained shall extend or be construed to extend to the indenture made on the binding of any apprentice by the churchwardens or overseers of the poor of any parish or place, or the major part of them, under and by virtue of the powers given to them by the statute made in the forty-third year of the reign of Queen Elizabeth, in the case of any such binding where a larger sum than five pounds shall be given, but that such binding shall be subject and liable to the like rules and regulations as they would have been subject and liable to in case this Act had not been made.

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Recital of 20 Geo. 2. [c. 19.]

XI. AND whereas by an Act passed in the twentieth year of the reign of King George the Second, intituled "An Act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants and of certain apprentices," it is enacted, that it shall and may be lawful to and for any two or more justices, upon any complaint or application by any apprentice put out by the parish touching or concerning any misusage, refusal of necessary provisions, cruelty or other ill treatment of or towards such apprentice by his or her master or mistress, and due proof thereof, to discharge such apprentice from his or her apprenticeship: And whereas instances of such ill treatment frequently occur, and it is fit that the expectation of such discharge should not operate as an inducement to such ill treatment: Be it enacted, that in every case where any parish apprentice whatsoever shall be discharged from his apprenticeship by two justices under and by virtue of the said last-mentioned Act, it shall and may be lawful for such two justices to order such master or mistress to deliver up to such apprentice his or her clothes and wearing apparel, and also to pay to such churchwardens or overseers of the poor of the parish or place to which such apprentice shall belong, some or one of them, a sum not exceeding ten pounds, to be applied by them, some or one of them, under the order of such justices, for the again placing and binding out such apprentice so discharged as aforesaid, or otherwise for his or her benefit, as to such justices shall seem meet, and also to pay a sum not exceeding five pounds in case such master or mistress shall refuse to deliver up such clothes and wearing apparel; and in case such master or mistress shall refuse to pay the sum so ordered by the said justices to be paid as aforesaid, or either of them, or any part thereof, it shall and may be lawful for such two justices, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such master or mistress, together with the reasonable expences of such distress; and also that it shall and may be lawful for such two justices, if they shall so think fit, to compel such churchwardens and overseers of the poor, some or one of them, to enter into a recognizance for the effectual prosecution by indictment of such master or mistress for such ill treatment of any such

Justices discharging any apprentice under that Act may order his clothes to be delivered up, and a sum not exceeding 10*l*. to be paid to the parish officers for placing him out again, &c.;

such sum to be levied by distress;

and may compel the parish officers to enter into recognizance to prosecute masters

apprentice so discharged as aforesaid, and also to order that the costs and expences of such prosecution shall be paid and discharged or reimbursed to such person or persons entering into such recognizance as aforesaid, one moiety thereof out of the poor rates of the parish or place to which such apprentice shall belong, and the other moiety thereof out of the common stock of the county in which such parish or place shall lie; and in case the churchwardens and overseers of the poor of such parish or place for the time being shall refuse to pay such their moiety as aforesaid it shall and may be lawful for such two justices, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such churchwardens and overseers of the poor, any or either of them, together with the reasonable expences of such distress.

for ill treatment  
of apprentices,  
&c.

Expences of  
prosecution.

XII. AND whereas it is not expedient that such master or mistress should be again entrusted with the care of another parish apprentice: Be it enacted, that in every case where any parish apprentice shall have been so discharged from any master or mistress as aforesaid under and by virtue of the said last mentioned Act, and such master and mistress shall have been convicted of such offence in consequence of such prosecution by indictment as aforesaid, or shall have been found guilty thereof in any action brought at the suit of the party injured, it shall not be lawful for the churchwardens and overseers of the poor of any parish or place, or the major part of them, to bind any other apprentice upon such person; . . . . . Provided always, that it shall and may be lawful for such master or mistress as aforesaid from whom any parish apprentice shall be discharged under and by virtue of the Act made in the twentieth year of the reign of King George the Second to appeal against the order made for such discharge as aforesaid, and also against any such order made for his or her payment of any such sum or sums of money in consequence thereof as aforesaid, . . . . . under and by virtue of the provisions of this Act, to the next general quarter sessions of the peace of the county, city, riding, division or place where such orders, any or either of them, shall be made, and upon such appeal the said court of general quarter sessions shall finally determine the same, and in their discretion allow to all parties their reasonable costs; and no such distress for enforcing the payment of any such sum or sums of money as are last mentioned shall be taken until after the general quarter session of the peace to be holden next after any such order as aforesaid shall be made, in case the person who is ordered to pay the same shall within seven days after notice given to him or her of such order being made give notice to such churchwardens and overseers of the poor, some or one of them, of such intended appeal; and in case such person shall fail to appear in support of his appeal at such general quarter session then the sum of forty shillings shall be added to the expences of the distress before directed to be taken and levied accordingly.

Churchward-  
ens, &c. not to  
bind any other  
apprentice to a  
master con-  
victed of ill  
treatment.

Master from  
whom appren-  
tice is dis-  
charged, &c.  
may appeal to  
the quarter  
sessions.

On notice of  
such appeal no  
distress to be  
made till after  
the next quarter  
sessions.

40s. penalty for  
failing to sup-  
port appeal.

XIII. AND whereas by the said last-mentioned Act it is also enacted, that it shall and may be lawful to and for two justices, upon application or complaint made upon oath by any master or mistress against any parish apprentice touching or concerning any misdemeanor, miscarriage or ill behaviour of such apprentice, to hear and determine the same and punish the offender in

Apprentices discharged for ill behaviour may be sent to the house of correction.

such manner as is therein mentioned, or otherwise to discharge such apprentice from his apprenticeship, and it is expedient to prevent the expectation of such discharge being an inducement to such ill behaviour on the part of the apprentice: Be it enacted, that in all cases where any parish apprentice shall be discharged by two justices under and by virtue of the said last mentioned Act from his or her apprenticeship on account of any misdemeanor, miscarriage, or ill behaviour on the part of such apprentice, that it shall and may be lawful for such two justices, if they think proper, by warrant under their hands and seals, to punish such offender by commitment to the house of correction, there to remain and be corrected and kept to hard labour for reasonable time, not exceeding three calendar months, as to such justices shall seem meet.

Parties aggrieved may appeal to the quarter sessions.

XIV. AND be it further enacted, that if any person shall be aggrieved in any matter or thing done or omitted to be done by any churchwarden or overseer of the poor or by any of his Majesty's justices of the peace or by any other person or persons whomsoever under and by virtue of this Act besides such matters or things for which an appeal is herein-before special given, it shall and may be lawful for such person or persons to appeal to the next general quarter sessions of the peace, where the same shall be heard and finally determined, and such court may award reasonable costs and expence to either party before them.

#### SCHEDULE referred to in this Act.

##### A. FORM of proviso to be added to the covenant for maintenance.

PROVIDED always, that the said last mentioned covenant on the part of the said F.M. [the master], his executors and administrators, to be done and performed shall continue and be in force for no longer time than for three calendar months next after the death of the said F.M., in case he the said F.M. shall happen to die during the continuance of such apprenticeship, according to the provisions of an Act passed in the thirty-second year of the reign of King George the Third, intituled [here set forth the title of the Act].

##### B. FORM of the order of two justices directing a parish apprentice to continue with the widow [or, as the case may be] of his deceased master, by indorsement on the indenture or counterpart thereof, in which binding no more was paid than the sum for that purpose mentioned in this Act.

County of } WHEREAS F.M. [the master] within named, late of the parish  
of } in the said county, died on the                      day  
                    , being within three calendar months now last past, we, two  
his Majesty's justices of the peace for the county aforesaid, whose names are  
hereunto subscribed, on the application and at the request of A.M., widow [or  
as the case may be] of the said F.M., living with and being part of the family  
of the said F.M. at the time of his death, do hereby order and direct that A.]

the apprentice within named, who was in the service and actual employment of the said F.M. at the time of his death, shall serve the said A.M. as such apprentice for the residue of the term of such apprenticeship within mentioned, according to the provisions of an Act passed in the thirty-second year of the reign of King George the Third, intituled "An Act for the further regulation "of parish apprentices." Witness our hands this                      day of                      .

I, the above-named A.M., do hereby declare that the above order is made at my request, and that I do accept the said A.P. as my apprentice according to the terms and covenants contained in the said indenture and according to the provisions of the said Act. Witness my hand the day and year above written.

**C. FORM of the like order by a separate instrument.**

County of } WHEREAS it appears unto us, two of his Majesty's justices of  
} the peace for the said county, that A.P. [the apprentice] was  
bound an apprentice by the churchwardens and overseers of the poor of the  
parish of                      to F.M. [the master], late of the said parish                      ,  
and that the said F.M. died on                      day of                      , being within  
three calendar months now last past: Now we, the said two justices, on the  
application and at the request, &c. [then to the end as before, mutatis  
mutandis].

D. FORM of the assignment of such a parish apprentice with the consent of two justices by indorsement on the indenture or counterpart.

County of } BE it remembered that the within-named F.M. [the master], by  
 } and with the consent and approbation of I.P. and K.P., two of his  
 Majesty's justices of the peace for the said county, whose names are subscribed  
 to the consent hereunder written, doth hereby assign A.P., the apprentice  
 within named, unto N.M. [the new master], to serve him during the residue  
 of the term within mentioned, and that he the said N.M. doth hereby agree  
 to accept and take the said A.P. as an apprentice for the residue of the said  
 term, and doth hereby acknowledge himself, his executors and administrators,  
 to be bound by the agreements and covenants within mentioned on the part  
 of the said F.M. to be done and performed, according to the true intent and  
 meaning thereof, and pursuant to the provisions of an Act passed in the  
 thirty-second year of the reign of King George the Third, intituled "An Act  
 " for the further regulation of parish apprentices." In witness whereof we  
 the said F.M. and N.M. have hereunto set our hands this  
 day of

We, two of his Majesty's justices of the peace above-mentioned, do consent thereto. Witness our hands this  
day of .

I.P.  
K.P.

## E. FORM of the like assignment by a separate instrument.

County of } WHEREAS it appears unto us, I.P. and K.P., two of his Majesty's  
 } justices of the peace for the said county, whose names are  
 subscribed to the consent hereunder written, that A.P. was bound an  
 apprentice by the churchwardens and overseers of the poor of the parish of  
 to F.M. of the same parish , by indenture bearing  
 date on or about the day of , until the said A.P.  
 should attain his age of twenty-one years. Now be it remembered that  
 the said F.M. by and with the consent, &c. [and so to the end as before,  
*mutatis mutandis*].

## CHAPTER LVIII

AN ACT for the Amendment of the Law in Proceedings upon Information in  
Nature of Quo Warranto.

## Preamble.

From the 1st  
day of Trinity  
term 1793  
defendants to  
informations in  
the nature of  
quo warranto  
for the exercise  
of any office  
may plead the  
holding it six  
years or more  
previous to, the  
information.

WHEREAS it would greatly tend to secure the freedom of election, and  
 the quiet, tranquillity and good order of cities, boroughs and towns  
 corporate, if a certain reasonable limitation of time should be by law  
 established beyond which no member or officer of any city, borough or town  
 corporate should be disturbed in the enjoyment or exercise of his office or  
 franchise which he should have held and enjoyed for such time: Be it  
 enacted by the King's most excellent Majesty, by and with the advice and  
 consent of the lords spiritual and temporal, and commons, in this present  
 Parliament assembled, and by the authority of the same, that from and after  
 the first day of Trinity term in the year one thousand seven hundred and  
 ninety-three, it shall and may be lawful for the defendant or defendants  
 to any information in the nature of a quo warranto for the exercise of any  
 office or franchise in any city, borough or town corporate, whether exhibited  
 with leave of the court, or by his Majesty's attorney general or other officer of  
 the crown on behalf of his Majesty by virtue of any royal prerogative, or  
 otherwise, and each and every of them severally and respectively, to plead that  
 he or they had first actually taken upon themselves or held or executed the  
 office or franchise which is the subject of such information six years or more  
 before the exhibiting of such information, such six years to be reckoned and  
 computed from the day on which such defendant so pleading was actually  
 admitted and sworn into such office or franchise, which plea shall and may be  
 pleaded either singly or together with and besides such plea as he or they  
 might have lawfully pleaded before the passing of this Act or such several  
 pleas as the court on motion shall allow; and if upon the trial of such  
 information the issue joined upon the plea aforesaid shall be found for the  
 defendant or defendants, or any of them, he or they shall be intitled to  
 judgement and to such and the like costs as he or they would by law have  
 been intitled to if a verdict and judgement had been given for him or them  
 upon the merits of his or their title.

Forfeiture of  
office within 6  
years before

II. PROVIDED always, and be it enacted, that in every such case the  
 prosecutor of such information may reply to such plea, any forfeiture,

surrender or avoidance by the defendant of such office or franchise happening within six years before the exhibition of such information, whereon the defendant may take issue and shall be intitled to costs in manner aforesaid.

III. AND be it further enacted by the authority aforesaid, that if any person or persons against whom any such information as aforesaid shall be exhibited shall derive title under an election, nomination, swearing into office or admission by any person or persons, the title of such person or persons against whom such information shall be exhibited shall not be defeated or affected by reason or on account of any defect in the title of such person or persons so electing, nominating, swearing into office or admitting, in case such person or persons under whom title shall be derived as aforesaid was or were in exercise de facto of the franchise or office (in virtue of which he or they so elected, nominated, sworn in or admitted) at a period six years at least previous to the time of filing such information, and his or their title shall not have been questioned by any legal proceeding carried on with effect.

information may be replied to such plea.

Title derived under an election, &c. not to be affected on account of defect in the title of the person electing, &c. if he was in the exercise of his franchise or office 6 years previous to the information.

IV. AND be it further enacted by the authority aforesaid, that the mayor, bailiff, sheriff, town clerk or other officer of any corporation, having the custody of or power over the records of the same, shall upon the demand of any person being an officer or member of such corporation, on the payment of one shilling, permit such person on any day or days, except Christmas Day, Good Friday and Sunday, between the hours of nine in the morning and three in the afternoon, to inspect the books and papers wherein the admission or swearing-in of the freemen, burgesses or other members or officers of such corporation shall be entered, and to have copies or minutes of the admission or the entry of swearing-in of any one or more of such freemen, burgesses or other members or officers, upon paying sixpence for every one hundred words for writing the same; and if such mayor, bailiff, sheriff, town clerk or other officer shall refuse or deny to any person hereby intitled to demand it the inspection of such books or papers or to have copies or minutes thereof as aforesaid, such mayor, bailiff, sheriff, town clerk or other officer shall for every such offence forfeit and pay the sum of one hundred pounds, together with full costs of suit, to him, her or them who shall inform and sue for the same, within one year after such offence committed, by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law nor more than one imparlance shall be allowed.

Officer having the custody of corporation records to permit any member thereof to inspect the book of admission of freemen, &c.,

on penalty of 100*l*.

## CHAPTER LX.

### AN ACT to remove Doubts respecting the Functions of Juries in Cases of Libel.

**W**HEREAS doubts have arisen whether on the trial of an indictment or information for the making or publishing any libel, where an issue or issues are joined between the King and the defendant or defendants, on the plea of not guilty pleaded, it be competent to the jury impanelled to try the

Preamble.

On the trial of an indictment for a libel the

jury may give a general verdict upon the whole matter put in issue, and shall not be required by the court to find the defendant guilty merely on proof of the publication and of the sense ascribed to it in the information.

But the court shall give their opinion and directions on the matter in issue as in other criminal cases.

Jury may find a special verdict.

Defendant found guilty may move in arrest of judgement as before this Act.

same to give their verdict upon the whole matter in issue: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that on every such trial the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the court or judge before whom such indictment or information shall be tried to find the defendant or defendants guilty merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the same in such indictment or information.

II. PROVIDED always, that on every such trial the court or judge before whom such indictment or information shall be tried shall, according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the King and the defendant or defendants, in like manner as in other criminal cases.

III. PROVIDED also, that nothing herein contained shall extend or be construed to extend to prevent the jury from finding a special verdict, in their discretion, as in other criminal cases.

IV. PROVIDED also, that in case the jury shall find the defendant or defendants guilty it shall and may be lawful for the said defendant or defendants to move in arrest of judgement, on such ground and in such manner as by law he or they might have done before the passing of this Act, any thing herein contained to the contrary notwithstanding.

## CHAPTER LXIII.

### AN ACT for granting Relief to Pastors, Ministers and Lay Persons of the Episcopal Communion in Scotland.

Preamble.

WHEREAS by several Acts of Parliament now in force disabilities, forfeitures and penalties have been imposed in certain cases upon persons frequenting, resorting to or officiating in certain Episcopal chapels and meeting houses in Scotland: And whereas there is sufficient reason to believe that the pastors, ministers and laity of the Episcopal communion in Scotland are now well attached to his Majesty's person, family and government: And whereas it is just and reasonable that such of them as are willing in a proper manner to manifest such attachment should receive relief with respect to certain disabilities, forfeitures and penalties in the said Acts mentioned: . . . . .

Ministers of Episcopal chapels within a limited time to subscribe the following declaration;

II. PROVIDED always, and be it enacted by the authority aforesaid, that every person who shall exercise the function of a pastor or minister in any Episcopal chapel, meeting house or congregation in Scotland shall within six months, to be reckoned from and after the first day of July in this present year of our Lord one thousand seven hundred and ninety-two, or at some other time previous to his exercising the said function, take and subscribe the oaths of allegiance, abjuration and assurance, in such manner as all officers civil



and military in Scotland are now by law obliged to take and subscribe the same, and shall also [Rep., 34 & 35 Vict. c. 48.] subscribe at the same time and place a declaration of his assent to the thirty-nine articles of the Church of England, as contained in the Act passed in the thirteenth year of the reign of Queen Elizabeth, in the words following; videlicet,

**I** A.B., pastor of a congregation of persons in the Episcopal communion in Scotland meeting for divine worship at \_\_\_\_\_ in the county of \_\_\_\_\_, do willingly and ex animo subscribe to the book of articles of religion agreed upon by the archbishops and bishops of both provinces of the realm of England and the whole clergy thereof in the convocation holden at London in the year of our Lord one thousand five hundred and sixty-two; and I do acknowledge all and every the articles therein contained, being in number thirty-nine, besides the ratification, to be agreeable to the Word of God.

**III. [a]** PROVIDED also, and be it further enacted by the authority aforesaid, that every person who now does or shall hereafter exercise the function of a pastor or minister of any Episcopal chapel or meeting house in Scotland shall and he is hereby required within six months, to be reckoned from and after the first day of July in this present year one thousand seven hundred and ninety-two, or at some time before his exercising the said function, to produce to the clerk of the shire, stewardry or borough where his meeting house is situated a certificate from the proper officer of his having qualified himself by taking and subscribing the said oaths, and a certificate from such officer of his having subscribed to the said articles above mentioned; of which respective certificates the clerk shall forthwith make an entry in the book appointed for keeping a list or register of the meeting houses within that jurisdiction, which entry shall express the name of the minister whom the said certificates concern, and the situation and description of the meeting house where he officiates or shall officiate as minister or pastor, copies of which entries shall likewise be transmitted by the said clerk to the clerk of each House of Parliament, to be laid before the said houses respectively at their next meeting; and the said clerk of such shire, stewardry or borough shall likewise deliver two attested copies of each of the said certificates to such pastor or minister, one copy of each of such certificates to be by him fixed on the outside of the meeting house where he officiates or shall officiate on or near the door thereof, and the other in some conspicuous place within such meeting house; for each and every of which last-mentioned copies the sum of sixpence sterling shall be paid, and no more.

**IV. [a]** AND be it further enacted by the authority aforesaid, that if any such pastor or minister at any time after six months, to be reckoned from and after the said first day of July, shall officiate as a pastor or minister in any such Episcopal chapel or meeting house without having taken and subscribed the oaths and articles aforesaid, and produced certificates thereof according to the directions of this Act, every such minister or pastor so offending in any of the premises shall for the first offence, being lawfully convicted

and produce to the clerk of the shire, &c. certificates of their having so qualified.

Clerk to make an entry of the certificates, and send copies to the clerk of each House of Parliament, &c.

One copy to be fixed outside the meeting house where minister officiates, and another inside.

Penalty on ministers officiating without having qualified.

[\* So much of these sections as relates to oaths, rep., 34 & 35 Vict. c. 48.]

thereof, forfeit the sum of twenty pounds sterling, one moiety thereof to the informer, the other to be disposed of for the use of the poor of the parish where such offence shall be committed, and for the second offence shall be on lawful conviction thereof declared incapable of officiating as pastor or minister of any such Episcopal chapel or meeting house as aforesaid during the space of three years.

Ministers to  
pray for the  
royal family.

V. PROVIDED also, and be it further enacted, that every such pastor or minister as aforesaid who shall at any time after six months, to be reckoned from and after the said first day of July, officiate in any Episcopal chapel or meeting house as aforesaid, shall as often as he shall so officiate, at some time during the exercise of divine service in such Episcopal meeting house or congregation, pray for the King's most excellent Majesty by name, for his Majesty's heirs or successors, and for all the royal family in the same form of words as his Majesty, his heirs or successors, and the royal family are or shall be directed by lawful authority to be prayed for in the prayers for the royal family contained in the liturgy of the Church of England.

Penalty for  
not so doing.

VI. AND be it further enacted, that in case any person shall at any time after six months, to be reckoned from and after the said first day of July, officiate as a pastor or minister in any such Episcopal chapel or meeting house as aforesaid, and shall not as often as he shall so officiate, at some time during divine service, pray for his Majesty by name, for his Majesty's heirs or successors, and for all the royal family in the manner herein-before directed, every person so offending in any of the premises shall for the first offence, being lawfully convicted thereof, forfeit the sum of twenty pounds sterling, to be distributed in such manner as touching the other penalties in this Act is herein-before directed, and for the second offence shall upon lawful conviction thereof be declared incapable of officiating as pastor or minister of any such Episcopal chapel or meeting house as aforesaid during the space of three years.

Ministers  
offending  
against this  
Act incapable  
of voting for a  
member of  
Parliament in  
Scotland, &c.

VII. AND be it further enacted by the authority aforesaid, that if any pastor or minister of any Episcopal chapel or meeting house in Scotland shall offend in any of the premises herein-before mentioned, such pastor or minister so offending shall be incapable of voting in any election of a member of Parliament for any shire or borough in that part of Great Britain called Scotland, or of voting in the election of a magistrate or counsellor for boroughs, or of a deacon of crafts within burgh, or of a collector or clerk of the land tax or supply.

Assemblies for  
religious wor-  
ship to be held  
with doors un-  
fastened.

VIII. PROVIDED always, and be it further enacted by the authority aforesaid, that every assembly of persons for religious worship in any such Episcopal chapel or meeting house as aforesaid shall be held with doors not locked, barred, bolted or otherwise fastened during such assembly.

\* \* \* \* \*

Penalty on per-  
sons present at  
divine service  
in any Episco-  
pal meeting  
where the  
royal family

X. PROVIDED also, and be it further enacted by the authority aforesaid, that if any person at any time after six months, to be reckoned from and after the said first day of July, shall be present twice in the same year at divine service in any Episcopal chapel or meeting house in Scotland whereof the pastor or minister shall not pray in express words for his Majesty by name,

for his Majesty's heirs or successors, and for all the royal family in the manner herein-before directed, every person so present shall, on lawful conviction thereof, for the first offence forfeit the sum of five pounds sterling money, one moiety thereof to the use of his Majesty, his heirs or successors, and the other moiety to the use of such person who shall give information of the said offence, and shall suffer imprisonment for the space of six months, unless or until the same be paid, and for the second or any subsequent offence shall, on lawful conviction thereof, suffer imprisonment for the space of two years from the date of such conviction.

XI. PROVIDED always, that every prosecution for any offence committed against this Act shall be commenced within the space of twelve months after such offence committed and not afterwards.

XII. AND be it further enacted by the authority aforesaid, that no peer of Scotland shall be capable of being elected one of the sixteen peers to sit and vote in the House of Peers in the Parliament of Great Britain, or of voting in the election of any of the said sixteen peers, who shall at any time after six months, to be reckoned from and after the said first day of July, be present twice in the same year at divine service in any Episcopal chapel or meeting house as aforesaid whereof the pastor or minister shall not pray in express words for his Majesty by name, for his Majesty's heirs or successors, and for all the royal family in manner herein-before directed; and it shall be competent for any peer of Scotland present at the election of the said sixteen peers or of any of them to make this objection and to prove the same by a witness or witnesses upon oath, or by referring it to the oath of the peer so objected to, which oath the lord clerk register, or either of the two clerks of session appointed by him to officiate in his name at such election of sixteen peers or of any of them, is hereby impowered to administer; and in case the same shall be proved, or the peer so objected to shall admit the fact or refuse to depose concerning it, he shall be and is hereby disqualified from and rendered incapable of voting or being chosen at any such election as aforesaid; but such admission or confession upon oath or otherwise so made at such meeting assembled for any such election shall not be made use of or given in evidence against any such peer upon any prosecution for any penalty inflicted by this or any former Act of Parliament.

XIII. AND be it further enacted by the authority aforesaid, that no person shall be capable of being elected or of voting in any election of a member of Parliament for any shire or borough in that part of Great Britain called Scotland, or of being elected or voting in the election of a magistrate or counsellor for boroughs, or of deacon of crafts within burgh, or of a collector or clerk of the land tax or supply, who shall at any time after six months, to be reckoned from and after the first day of July aforesaid, be present twice in the same year at divine service in any Episcopal church or meeting house as aforesaid whereof the pastor or minister shall not pray in express words for his Majesty by name, for his Majesty's heirs or successors, and for all the royal family in manner herein-before directed; and it shall be competent for any candidate or member of the meeting assembled for any such election to make this objection and to prove the same by a witness or witnesses upon oath or by referring it to the oath of the person objected to, which oath the preses or clerk of such meeting is hereby impowered to administer; and in case the

are not prayed for.

Prosecutions for offences to be commenced within 12 months.

No peer of Scotland capable of being elected one of the 16 peers, or of voting in the election of them, who shall be present twice in one year in any Episcopal chapel where the royal family is not prayed for.

Any peer present at such election may make the objection and prove the same as herein mentioned.

Confession of any peer not to be made use of upon prosecution for penalty.

No person capable of being elected or of voting in the election of a member of Parliament, &c. in Scotland who shall be present twice in one year at divine service where the royal family shall not be prayed for, and every candidate, &c. may prove the objection in manner herein mentioned, &c.

Confession not to be made use of on prosecution for penalty.

Publick Act.

same shall be proved or the person so objected to shall admit the fact or refuse to depose concerning it, he shall be and is hereby disqualified from and rendered incapable of voting or being chosen at any such election as aforesaid; but such admission or confession upon oath or otherwise so made at such meeting assembled for any such election shall not be made use of or given in evidence against any such person upon any prosecution for any penalty inflicted by this or any former Act of Parliament.

XIV. AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

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### 33 GEORGE III. A.D. 1792-3.

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STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
A.D. 1790,  
IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
THIRTEENTH DAY OF DECEMBER, A.D. 1792,  
BEING THE THIRD SESSION OF THE SEVENTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XIII.

AN ACT to prevent Acts of Parliament from taking effect from a Time prior to the passing thereof.

Preamble.

Clerk of the Parliaments to endorse on every Act the time it receives the royal assent, which shall be its commencement where no other is provided.

**W**HEREAS every Act of Parliament in which the commencement thereof is not directed to be from a specifick time doth commence from the first day of the session of Parliament in which such Act is passed: And whereas the same is liable to produce great and manifest injustice: For remedy whereof be it enacted, and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the clerk of the Parliaments shall endorse (in English) on every Act of Parliament which shall pass after the eighth day of April one thousand seven hundred and ninety-three, immediately after the title of such Act, the day, month and year when the same shall have passed and shall have received the royal assent; and such endorsement shall be taken to be a part of such Act and to be the date of its commencement where no other commencement shall be therein provided.

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## CHAPTER XLVII.

AN ACT for placing the Stock called East India Annuities under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the Three Pounds per Centum Reduced Annuities, in redemption of a Debt of Four millions two hundred thousand Pounds owing by the Publick to the East India Company; and for enabling the said Company to raise a Sum of Money by a further Increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company. [7th June 1793.]

\* \* \* \* \*

VIII. AND whereas in the present circumstances of the said company [\*] it is fit and proper that they should be impowered to raise a further sum of money, beyond what they are authorized by law to raise, for the purposes to which the same is herein-after directed to be applied, and it is expedient that such money should be raised by a further increase of their capital stock: Be it further enacted, that it shall and may be lawful to and for the said company, and they are hereby authorized and impowered, by and with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter to open books and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of five millions to any sum not exceeding the further sum of one million capital stock, so as to make their whole capital stock the sum of six millions, which said additional capital stock shall be subscribed and paid for at the rate of two hundred pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said company, with the consent and approbation of the commissioners of his Majesty's Treasury for the time being or any three or more of them, or of the high treasurer for the time being, shall direct, which said subscription shall be made and the money for the said additional stock shall be paid in such manner and form and by such installments and proportions as the said court of directors, with such consent and approbation as aforesaid, shall appoint, and the capital stock so subscribed and paid for shall from and after the time of such payment be deemed, considered and taken as and for a part of the capital stock of the said company; and the said subscribers from and after the time of making full payment for the said additional stock, and their respective executors or administrators and assigns, shall at all times be deemed and reputed to be members of the said company and incorporated therewith, and shall be intitled unto and have, hold and enjoy all and every the profits, benefits, privileges, advantages and immunities, and be subject and liable to all and every the regulations, rules and orders, whereto the present stock holders and members of the said company, in respect of the stock held by and belonging to them, are respectively intitled, subject and liable unto by any Act or Acts of Parliament, charter or bye law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable, and the proprietors and holders thereof shall hold their respective shares of the said

The company, with consent of the Treasury, may add 1,000,000*l.* to their capital stock by subscriptions;

at the rate of 200*l.* for every 100*l.* stock.

Subscribers to be incorporated with the company.

[\* i.e., the United Company of Merchants of England trading to the East Indies.]

additional stock, in like manner respectively as the present stock holders of the said company now do and hereafter shall hold and enjoy the respective sums belonging or to belong to them in the present capital stock of the said company, and the same shall in all respects be consolidated and united into one joint capital stock.

The like dividends to be paid on the additional stock as on the present.

IX. AND be it further enacted, that the said company shall and may from time to time make and pay the like dividends to the proprietors of the said additional stock as they now do or hereafter shall and may lawfully make and pay to the proprietors and holders of the present stock of the said company, the first of which said dividends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

Preference in subscribing to be given to the present proprietors, to an amount not exceeding 50l. per cent. on their stock.

X. PROVIDED nevertheless, and be it further enacted, that it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference in subscribing for the said additional stock to such persons as shall hold the said company's stock at the time or times of such subscription as aforesaid, as far as and not exceeding the amount of fifty pounds per centum on the capital stock which shall then be held by each stock holder so subscribing, for all such sums as they shall subscribe on or before the twentieth day of June one thousand seven hundred and ninety-three; and in case the subscription made by them on or before that day and year shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall on the close thereof on the day and year last before-mentioned fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons in such manner as the said court of directors, with such consent and approbation as aforesaid, shall think fit.

If the subscription by proprietors be more than sufficient, a proportionable deduction to be made, and if less, the deficiency may be disposed of to other persons.

Directors may contract for the sale of the whole to one or more persons.

XI. PROVIDED always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to hinder or restrict the court of directors of the said company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politick or corporate, for the sale of the whole of the said additional capital stock or for such part or parts thereof as they shall from time to time think fit and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole or any part thereof to one or more person or persons.

Receipts to be given for payments, which shall be transferrable, &c.

XII. AND be it further enacted, that, as soon as reasonably may be after the deposit or first payment shall be made for the said additional stock to be subscribed for, the said company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said additional stock to be subscribed for as aforesaid, the holder of such receipts, on delivering up the same, shall have his or her name entered in proper books to be kept by the said company for that purpose, with an account of the capital stock belonging to each proprietor, in like manner as the accounts of the present proprietors of India stock are kept.

XIII. PROVIDED always nevertheless, and be it further enacted, that if any subscriber or subscribers after having subscribed shall fail in making all or any the payments agreed at the respective times for such payments, then and in every such case the said company shall and may take in subscriptions for and sell the stock subscribed for by such defaulter to any other person or persons; and all deposits and payments made by such defaulter or defaulters previous to such default shall be forfeited to and become the property of the said company.

If subscribers fail in making good all payments, then stock may be sold to any other persons, and the deposits forfeited.

XIV. AND be it further enacted, that out of the monies to arise by the said subscriptions the said company shall in the first place apply so much thereof as shall be sufficient for the purpose in reducing their bond debt in Great Britain to the sum of one million five hundred thousand pounds; and after such reduction made or a sufficient sum set apart and reserved for that purpose, that the said company shall and may apply and dispose of the residue of the monies arising by the said subscriptions in the discharge of such other debts due or coming due from them as they shall think fit.

Subscriptions to be applied in reduction of bond debts in Great Britain, &c.

XV. AND be it further enacted, that after the said bond debt shall have been reduced to one million five hundred thousand pounds as aforesaid it shall not be lawful for the said company again to encrease their said bond debt in Great Britain beyond that amount, except with the approbation of the board of commissioners for the affairs of India for that purpose in writing first had and obtained; and that the whole increase to be made to the said bond debt shall in no wise exceed the sum of five hundred thousand pounds, any Act or Acts to the contrary thereof notwithstanding.

Bond debt when reduced not to be encreased without the approbation of the commissioners for the affairs of India.

XVI. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act.

Publick Act.

## CHAPTER LII.

AN ACT for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay. [a]

[11th June 1793.]

WHEREAS it is expedient that the exclusive trade of the United Company of Merchants of England trading to the East Indies, within

Preamble.

the limits of their charter, which by an Act made in the twenty-first year of his Majesty's reign, for establishing an agreement with the said company, and other purposes, was continued to them for a term thereby limited, should be further continued to them and their successors, under certain limitations and restrictions, for a term of twenty years, to be computed from the first day of

21 Geo. 3. c. 65.

[a] So much of this Act as requires seniority as a condition or qualification for the appointment of civil servants to offices, places or employments, rep., 24 & 25 Vict. c. 54. s. 7.]

7 Geo. 3. c. 57.

March one thousand seven hundred and ninety-four, liable to be discontinued at or after the end of such period, upon three years notice previously given by Parliament for that purpose; and that during the said further term all the territorial acquisitions obtained in the East Indies, which by an Act made in the seventh year of his Majesty's reign, for establishing an agreement for the payment of a certain annual sum for a limited time by the said company in respect of the said acquisitions and the revenues thereof, and by subsequent Acts, were continued in the possession of the said company, together with the territorial acquisitions lately obtained there, with the revenues of the same respectively, should remain in the possession of the said company, without prejudice to the claims of the publick or of the said company, subject to such powers and authorities for the superintendence, direction and controul over all acts, operations and concerns which relate to the civil or military government or revenues of the said territories as have been already made or provided by any Act or Acts of Parliament in that behalf, or to such further powers, and under and subject to such other rules, regulations and restrictions relating to or concerning the said civil government and the appropriation of the said revenues, as shall be now made and provided by the authority of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said territorial acquisitions in the said former Acts mentioned, together with the territorial acquisitions lately obtained in the East Indies, with the revenues thereof respectively, shall remain and continue in the possession of the said united company for and during the further term by this Act granted to them in the said exclusive trade, subject nevertheless to the several regulations and provisions in this Act contained.

Territorial acquisitions, with the revenues, to continue in the possession of the East India Company for a further time.

His Majesty may appoint Commissioners for the affairs of India.

II. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, by any letters patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute and appoint, during his or their pleasure, such members of the Privy Council (of whom the two principal secretaries of state and the chancellor of the Exchequer for the time being shall always be three), and such other two persons as his Majesty, his heirs or successors, shall think fit, to be and who shall accordingly be and be styled Commissioners for the Affairs of India.

Three commissioners to form a board.

President of the board.

III. AND be it further enacted, that any three or more of the said commissioners shall and may form a board for executing the several powers which by this Act or by any other Act or Acts are or shall be given to or vested in the said commissioners; and that the first named commissioner in any such letters patent or commission for the time being shall be the president of the said board; and that when any board shall be formed in the absence of the president the commissioner whose name shall stand next in the order of their nomination in the said commission, of those who shall be present, shall for that turn preside at the said board.

President to have the casting vote.

IV. AND be it further enacted, that if the commissioners present at any board shall be equally divided in opinion in respect to any matter by them



discussed, then and on every such occasion the president, or in his absence the commissioner acting as such, shall have two voices or the casting vote.

V. AND be it further enacted, that the said board of commissioners shall and may nominate and appoint such secretaries and officers as shall be necessary to attend upon the said board, who shall be subject to dismissal at the pleasure of the said board; and that the proceedings of the said commissioners shall be entered in proper books; and that as well the said commissioners or such and so many of them as his Majesty shall think fit, as likewise their secretaries and other officers, shall be paid such fixed salaries as his Majesty shall by any warrant or warrants under his sign manual, countersigned by the chancellor of the Exchequer for the time being, direct; and that in the mean time the salaries and allowances already granted to the secretaries and officers of the present board of commissioners for the affairs of India shall be continued; all which salaries, together with all other contingent charges and expences to be incurred by the said board, shall be paid and defrayed quarterly by the said company, and deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said board, and certified by the president or acting president of the said board for the time being, to the court of directors of the said company: . . . . .

Board may  
appoint officers.

Salaries to be  
fixed by his  
Majesty, &c.

VI. PROVIDED also, and be it further enacted, that the said commissioners, before they shall proceed to act in execution of any of the powers or authorities vested in them (save only the power of administering the oath after mentioned), shall severally take and subscribe the following oath; (that is to say,)

Commissioners  
to take the  
following oath.

**I** A.B. do faithfully promise and swear, that, as a commissioner or member of the board for the affairs of India, I will give my best advice and assistance for the good government of the British possessions in the East Indies and the due administration of the revenues of the same according to law, and will execute the several powers and trusts reposed in me according to the best of my skill and judgement, without favour or affection, prejudice or malice, to any person whatever.

Which oath any two of the said commissioners shall and are hereby empowered to administer to the others of them or any of them; and the said oath shall be entered by their chief secretary amongst the acts of the board, and be duly subscribed and attested by the said commissioners at the time of their taking and administering the same to each other respectively.

VII. AND be it further enacted, that the several secretaries and other officers of the said board shall also take and subscribe before the said board such oath of secrecy, and for the execution of the duties of their respective stations, as the said board shall direct.

Officers of  
board to take  
oaths.

VIII. AND for obviating any doubt which might otherwise arise how far the office or appointment of a commissioner of the said board for the affairs of India by virtue of this Act, or of the chief secretary to the said board, be within any of the provisions contained in an Act of the sixth year of the reign of Queen Anne, intituled "An Act for the security of her Majesty's person and government and of the succession to the crown of Great Britain in the Protestant line," or how far the appointment of any such commissioner or secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in that house, be it further enacted and

6 Ann. c. 41.

Appointments of commissioner or chief secretary not to disqualify from being elected to Parliament, &c.

declared, that the said respective offices, places or appointments of a commissioner or chief secretary of the said board for the affairs of India to be made under the authority of this Act shall not be deemed or taken to be within the intent or purview of the said Act of the sixth year of Queen Anne, whereby to disqualify any such commissioner or chief secretary from being elected or sitting or voting as a member of the House of Commons; nor shall the appointment of any such commissioner, not having any special salary annexed to such appointment, or the said chief secretary, if a member or members of the House of Commons, vacate his or their seat or seats in the said house, any thing contained in the said Act of the sixth year of Queen Anne or in any other Act to the contrary notwithstanding.

Board to superintend all concerns relating to the civil or military government or revenues in the East Indies.

IX. AND be it further enacted, that the said board of commissioners shall by force and virtue of this Act have and be invested with full power and authority to superintend, direct and controul all acts, operations and concerns which in anywise relate to or concern the civil or military government or revenues of the said territories and acquisitions in the East Indies, subject nevertheless to such directions, rules, regulations and restrictions, and to such appropriations of the said revenues, as are by this Act made, provided or established, and not otherwise or in any other manner, any former Act or Acts to the contrary notwithstanding.

Commissioners or their officers to have access to the books of the company, &c.

X. AND be it further enacted, that the said commissioners or any of them, or their chief secretary, or any other of the officers of the said board, by the order and authority of the said board, shall have free access to the books, papers, letters of correspondence, evidences and other records of the said company, and be assisted by the proper officers of the said company in their searches for the same, and furnished by and at the expence of the said company with copies or extracts of so many or such parts thereof respectively as the said board shall require.

Court of directors to deliver to the board copies of all proceedings at courts of proprietors or directors, and of dispatches, &c. received relating to the civil or military government or revenues.

XI. AND be it further enacted, that the court of directors of the said company for the time being shall and they are hereby required from time to time to deliver to the said board copies of all minutes, orders, resolutions and proceedings of all courts of proprietors, general or special, and of all courts of directors, within eight days after the holding of such courts respectively, and also copies of all letters, advices and dispatches which shall at any time or times be received by the said court of directors, or any committee of directors, from the East Indies, or from any other of their settlements or factories within the limits of their exclusive trade, or from any of the servants of the said united company stationed at Saint Helena, Bussora, Suez, Aleppo or other parts beyond the seas, in anywise relating to or concerning the civil or military government or the revenues of the said territories and acquisitions in India, immediately after the arrival and receipt thereof.

Orders relating to civil or military government or revenues to be submitted to the consideration of the board, who may alter the same, &c.

XII. AND be it further enacted, that no orders or instructions whatever relating to the civil or military government or revenues of the said territorial acquisitions in India shall be at any time sent or given to any of the governments or settlements in India by the court of directors of the said united company, or by any committee of the said directors, until the same shall have been submitted to the consideration of and approved by the said board, and for that purpose that copies of all orders and instructions which the said court of directors or any committee of the said directors shall propose to be

sent to India shall be by them previously laid before the said board; and that within the space of fourteen days after the receipt of such proposed dispatches the said board shall either return the same to the said court of directors or committee of directors, with their approbation thereof certified under the hand of the chief secretary to the said board, by the order of the said board, or if the said board shall disapprove, alter or vary in substance any of such proposed orders or instructions, in every such case the said board shall give to the said directors in writing under the hand of the chief secretary of the said board, by order of the said board, their reasons at large in respect thereof, together with their instructions to the said directors in relation thereto; and that the said directors shall and they are hereby required forthwith to dispatch and send the letters, orders and instructions in the form approved by the said board to the proper governments or officers in India or other limits without further delay, unless on any representation made to them by the said directors the said board shall order any alterations to be made therein; and that the directors of the said company for the time being shall and are hereby required to pay obedience to and shall be governed and bound by such orders and instructions as they shall from time to time receive from the said board of commissioners, touching or concerning the civil and military government of the said territories and acquisitions and the revenues of the same, according to the tenor and true intent of this Act.

XIII. PROVIDED always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to restrict or prohibit the said directors from expressing by representation in writing to the said board such remarks, observations or explanations as shall occur or they shall think fit touching or concerning any letters, orders or instructions which shall have been varied in substance or disapproved by the said board; and that the said board shall and they are hereby required to take every such representation and the several matters therein contained or alledged into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient, which orders or instructions shall be final and conclusive upon the said directors.

Directors may make representations touching orders altered or disapproved by the board.

XIV. PROVIDED also, and be it further enacted and declared, that nothing in this Act contained shall extend to give to the said board of commissioners the power of nominating or appointing any of the servants of the said united company, any thing herein contained to the contrary notwithstanding.

Board not to nominate any of the servants of the company.

XV. AND be it further enacted, that whenever the court of directors of the said united company shall neglect to frame and to transmit to the said board dispatches on any subject connected with the civil or military government of the said territories and acquisitions or with the revenues thereof beyond the space of fourteen days after requisition made to them by order of the said board, it shall and may be lawful to and for the said board to prepare and send to the said directors (without waiting for the receipt of the copies of dispatches intended to be sent by the said directors) any orders or instructions for any of the governments or presidencies in India concerning the civil or military government of the said territories or the revenues thereof, and the said directors shall and they are hereby required to transmit dispatches, according to the tenor of the said orders and instructions so transmitted to them by the said board, unto the respective governments and presidencies in

If the directors neglect to frame dispatches beyond 14 days after requisition, the board may prepare instructions, and the directors shall forward them to India.

India, unless on any representation made by the said directors to the said board touching such orders or instructions the said board shall direct any alteration to be made in the same, which directions the said court of directors shall in such case be bound to conform to.

Board only to issue orders or alter dispatches relating to the civil or military government or the revenues, and if the directors think that orders issued do not relate to them, they may petition his Majesty in council.

XVI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to give to the said board of commissioners any power or authority to issue or send any orders or instructions which do not relate to points connected with the civil or military government or revenues of the British territories or possessions in India, nor to expunge, vary or alter any dispatches proposed by the said court of directors as aforesaid which do not relate to the said government or revenues; and that if the said board shall send any orders or instructions to the said court of directors, to be by them transmitted, which in the opinion of the said court of directors shall relate to points not connected with the said civil or military government or revenues, then and on any such occasion it shall be lawful for the said court of directors to apply by petition to his Majesty in council touching the same, and his Majesty in council shall decide how far the same be or be not connected with the civil or military government and revenues of the said territories and possessions in India, which decision shall be final and conclusive.

Board not to direct the increase of established salaries unless proposed by the directors and laid before Parliament;

XVII. PROVIDED also, and be it further enacted, that it shall not be lawful for the said board to give or cause to be given any directions ordering or authorising, by any dispatches to be sent to India, the increase of the established salaries, allowances or emoluments of any governor general, governor or president, or member of council, of any of the presidencies and settlements there, or of any other officer in the service of the said company, beyond the amount to which the same now stand fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some dispatch proposed by the said court of directors to be sent to India and transmitted by them to the said board for their approbation, and unless an account of the actual salaries, allowances and emoluments of such governor general, governor or president, or member of council or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such dispatch shall be sent.

nor to direct any gratuity but such as shall be proposed by the directors, &c.

XVIII. PROVIDED also, and be it further enacted, that it shall not be lawful for the said board to give or cause to be given any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person on account of services performed in India, or on any other account whatever, to any greater amount or to any other person than shall be specified and contained in some dispatch proposed by the said court of directors to be sent to India and transmitted by them to the said board for their approbation, and that in every case where any such directions shall be so given a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said court of directors.

Board may send orders to the secret committee of

XIX. PROVIDED also, and be it further enacted, that if the said board of commissioners shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or

negotiating with any of the native princes or states in India, intended to be communicated in orders to any of the governments or presidencies in India, shall be of a nature to require secrecy, it shall and may be lawful for the said board to send their orders and instructions to the secret committee of the said court of directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit their orders and dispatches, according to the tenor of the said orders and instructions of the said board, to the respective governments and presidencies in India, and that the said governments and presidencies shall be bound to pay a faithful obedience thereto in like manner as if such orders and instructions had been sent to them by the said court of directors.

directors, who shall transmit the same to India.

XX. AND be it further enacted, that the said court of directors shall from time to time appoint a secret committee, to consist of any number not exceeding three of the said directors, for the particular purposes in this Act specified, which said directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following ; (that is to say,) [“]

Directors to appoint a secret committee, who shall take the following oath.

Which said oath shall and may be administered by the several and respective members of the said secret committee to each other, and being so by them taken and subscribed, the same shall be recorded by the secretary of the said court of directors for the time being amongst the acts of the said court.

XXI. AND be it further enacted, that if the said secret committee in the execution of their said powers and trusts shall find it necessary to employ any person in transcribing or preparing any secret dispatches, orders or instructions required to be transmitted by them to India under the direction of this Act, the said dispatches, orders and instructions shall be transcribed and prepared either by the secretary of the court of directors for the time being or by the officer called the examiner of Indian correspondence for the time being, and by no other person or persons, unless with the approbation and consent of the said board of commissioners for the affairs of India for that purpose first had and obtained ; and that as well the said secretary and examiner as every other person who shall be intrusted with the transcribing or preparing any of such dispatches, orders or instructions shall, before they respectively enter upon that duty, take and subscribe before any of the members of the said secret committee an oath of secrecy as near unto the tenor and form of the oath herein-before provided and directed to be taken by the members of the said secret committee as the case will admit ; and the members of the said committee or any two of them are hereby authorized and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said secretary and examiner and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the acts of the said court of directors.

Dispatches of the secret committee to be prepared only by the secretary or examiner of Indian correspondence, who shall take an oath of secrecy.

XXII. PROVIDED also, and be it further enacted, that when any of the governments or presidencies in India shall be of opinion that any of their dispatches to Great Britain concerning the government of the said territories

Presidencies in India may send dispatches to the secret

committee, who shall deliver them to the board.

and acquisitions, or the levying war or making peace, or negotiations or treaties with any of the native princes or states of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said governments or presidencies respectively to address their dispatches requiring such secrecy under cover, sealed with their seals, unto the said secret committee of directors of the said company for the inspection of such committee, and that immediately upon the arrival of such dispatches so addressed the said secret committee of directors shall deliver the same or copies thereof to the said board.

Orders of the directors touching the civil or military government or the revenues, after approbation by the board, not revocable by the proprietors.

Governments of the presidencies vested in the governors and three counsellors respectively.

XXIII. AND be it further enacted, that no order or resolution of the court of directors of the said company touching or concerning the civil or military government or revenues of the said territories and acquisitions in India, after the same shall have received the approbation of the board of commissioners for the affairs of India, shall be liable to be rescinded, suspended, revoked or varied by any general court of proprietors of the said company.

XXIV. AND be it further enacted, that the whole civil and military government of the presidency of Fort William in Bengal, and also the ordering, management and government of all the territorial acquisitions and revenues in the kingdoms or provinces of Bengal, Bahar and Orissa, shall be and are hereby vested in a governor general and three counsellors of and for the said presidency, subject to such rules, regulations and restrictions as are made, provided or established in that behalf in this Act or in any other Act or Acts now in force, and not by this Act repealed or altered; and that the whole civil and military government of the presidency of Fort Saint George on the coast of Coromandel, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa, with the revenues of the same, as have been and now are under the administration of the government or presidency of Fort Saint George, shall be and are hereby vested in a governor and three counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations and restrictions as aforesaid; and that the whole civil and military government of the presidency and island of Bombay on the coast of Malabar, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast of Malabar, shall be and are hereby vested in a governor and three counsellors of and for the said presidency and island of Bombay, subject as aforesaid; and the said governors and councils of the said presidencies of Fort Saint George and Bombay respectively, being also subject to the superintendence and controul of the said governor general in council, in manner by this Act provided or directed in that behalf, any Act or Acts to the contrary notwithstanding.

Vacancies of governors, &c. to be filled up by the directors.

XXV. AND be it further enacted, that all vacancies happening in the office of governor general of Fort William in Bengal, or of any of the members of the council there, or of governor of either of the company's presidencies or settlements of Fort Saint George or Bombay, or of any of the members of the council of the same respectively, or of governor of the forts and garrisons at Fort William, Fort Saint George or Bombay, or of commander in chief of all the forces in India, or of any provincial commander in chief of the forces there, all and every of such vacancies shall be filled up and supplied by the

court of directors of the said united company, the vacancies of any of the said members of council being always supplied from amongst the list of senior merchants of the said company, who shall have respectively resided twelve years in India in their service, and not otherwise, except as is herein-after otherwise provided.

XXVI. PROVIDED always, and be it further enacted, that when and so often as the said court of directors shall neglect for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said court of directors shall have been received by the said court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual (under the same restrictions and regulations as are herein-before provided with respect to the nominations and appointments made by the said court of directors), such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges and authorities as if he or they had been nominated and appointed by the said court of directors, and shall be subject to recall only by the King's Majesty, his heirs or successors, any thing herein contained to the contrary notwithstanding.

If the directors neglect to fill up vacancies, his Majesty may supply them.

XXVII. AND be it further enacted, that it shall be lawful for the said court of directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary or emolument appertaining thereto, until he shall be in the actual possession of such office, any Act or statute to the contrary notwithstanding.

Directors may appoint persons provisionally to supply vacancies.

XXVIII. PROVIDED also, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to vacate or disturb any appointments already lawfully made, whether provisionally or otherwise, to any of the said offices, any thing herein contained to the contrary notwithstanding.

Act not to vacate any appointments already made.

XXIX. AND be it further enacted, that if any vacancy shall happen in the office of governor general of Fort William or of governor of Fort Saint George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the counsellor of the presidency wherein such vacancy shall happen, next in rank to the said governor general or governor respectively, shall hold and execute the said office of governor general or governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and if the council board shall happen during that interval to become reduced to one only member besides the acting governor general or governor, then and in such case the person so acting as governor general or governor shall be and is hereby empowered to call to the council board such one of the senior merchants

How vacancies are to be supplied when no successors are on the spot, &c.

of the said company at such presidency where the vacancy shall occur as he shall think fit to be a temporary member of the said board, and that the person so called shall accordingly sit and act as a member of the said council, and shall have the same powers in all other respects as are given to persons appointed to the council board by the said court of directors, until the arrival of a successor or other appointment made to the office of governor general or governor respectively; and that every such acting governor general, governor and occasional counsellor shall during the time of their continuing to act as such respectively be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting governor general and governor foregoing their salary and allowances of counsellor for the same period.

Next member of council to commander in chief to succeed to the temporary government of a presidency, unless the commander in chief shall have been provisionally appointed.

Vacancy of counsellors when no successors are on the spot to be supplied by the governor in council from the senior merchants.

The commander in chief in India, when not governor general, may, by the authority of the directors, be the second member of the council of Fort William: The commander in chief at Fort Saint George or Bombay, when not governor, may be the second member of the council there.

XXX. PROVIDED always, and be it further enacted, that if at the time of any vacancy happening in the office of governor general or of a governor of any of the said presidencies no eventual successor appointed under the authority of this Act shall be present upon the spot, any commander in chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency unless such commander in chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the counsellor next in rank at the council board to such commander in chief, any thing herein contained to the contrary notwithstanding.

XXXI. AND be it further enacted, that if any vacancy shall happen of the office of a counsellor at either of the said presidencies when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied, by and at the nomination or appointment of the governor general in council of Fort William or the governor in council of Fort Saint George or Bombay respectively, from amongst the senior merchants in the said company's service in India; and that the person or persons so nominated shall execute the said office and shall have the same powers in all respects as are given to persons appointed to the council board by the said court of directors, until a successor or successors shall arrive duly appointed by the said court of directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively.

XXXII. AND be it further enacted, that when the office of governor general and the office of commander in chief of all the forces in India shall not be vested in the same person, such commander in chief shall and may, if specially authorized for that purpose by the said court of directors, and not otherwise, be a member of the council of Fort William; and that when the offices of governor of Fort Saint George and commander in chief of the forces there shall be vested in different persons, or the offices of governor of Bombay and commander in chief of the forces in Bombay shall be vested in different persons, such respective commanders in chief shall and may, if specially authorized by the court of directors, and not otherwise, be a member of council at the said respective presidencies; and that when any commander in chief shall be appointed a member of any of the said councils, such commander shall have rank and precedence at the council board next to



the governor general or governor of the same presidency ; but no commander in chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils unless the same shall be specially granted by the court of directors of the said company.

XXXIII. PROVIDED always, and be it further enacted, that when the commander in chief of all the forces in India (not being likewise governor general) shall happen to be resident at either of the presidencies of Fort Saint George or Bombay, the said commander in chief shall from the time of his arrival and during his continuance at such presidency be a member of the council of such presidency, and during that period the provincial commander in chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the council board.

The commander in chief in India, not being governor general, while resident at Fort Saint George or Bombay shall be a member of the council there.

XXXIV. AND be it further enacted, that if any of the members of the council of either of the said presidencies shall by any infirmity or otherwise be rendered incapable of acting or of attending to act as such, or if any of such members shall be absent from the presidency, and the governor general or either of the said governors shall be desirous of having the advice of a full council upon any urgent business, the governor general or such governors respectively shall by virtue of this Act have full power and authority to call any provisional successor appointed then on the spot, or there being none such on the spot, then any senior merchant on the spot, to assist at the council board for that turn, but that such provisional successor or other person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of council in manner aforesaid deprive him of any office or employment he before enjoyed.

If any member shall be incapable of attending, the governor of the presidency may call to the council a provisional successor, &c.

XXXV. AND be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the president of the board of commissioners for the affairs of India, to remove or recall any person or persons holding any office, employment or commission, civil or military, under the said united company in India for the time being, and to vacate and make void all or every or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments ; and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf: Provided always, that a duplicate or copy of every such writing or instrument under his Majesty's sign manual, attested by the said president for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the chairman or deputy chairman for the time being of the said company, to the intent that the court of directors of the said company may be apprized thereof.

His Majesty, by sign manual, countersigned by the president of the board, may remove any officer or servant of the company in India.

XXXVI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to preclude or take away the power of the court of directors of the said company from removing or recalling any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove, recall or

Act not to preclude the directors from recalling their officers or servants.

dismiss any of such officers or servants at their will and pleasure, in the like manner as if this Act had not been made, any governor general, governor or commander in chief appointed by his Majesty, his heirs or successors, through the default of appointment by the said court of directors, always excepted, any thing herein contained to the contrary notwithstanding.

Departure from India of any governor general, &c. with intent to return to Europe to be deemed a resignation of employment, &c.

While in the presidency no resignation of a governor general, &c. to be valid except delivered in writing to the secretary.

Regulations respecting salaries.

XXXVII. AND be it further enacted, that the departure from India of any governor general, governor, member of council or commander in chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment, and that the arrival in any part of Europe of any such governor general, governor, member of council or commander in chief shall be a sufficient indication of such intent; and that no act or declaration of any governor general or governor or member of council during his continuance in the presidency whereof he was so governor general, governor or counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the publick department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such governor general or other officers respectively shall cease from the day of such his departure, resignation or surrender; and that if any such governor general or any other officer whatever in the service of the said company shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding.

Councils in the first place to consider matters proposed by the governor, who may postpone any matters proposed by counsellors.

XXXVIII. AND be it further enacted, that the governor general and counsellors of Fort William, and the several governors and counsellors of Fort Saint George and Bombay, shall at their respective council boards proceed in the first place to the consideration of such matters or questions as shall be proposed by the governor general or by the governors of the said presidencies respectively, and as often as any matter or question shall be propounded by any of the said counsellors it shall be competent to the said governor general or governor respectively to postpone or adjourn the discussion thereof to a future day, provided that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice without the consent of the counsellor who proposed the same.

Proceedings to be expressed to be made by the governor general in council, or governor in council, and to be signed by the secretary.

XXXIX. AND be it further enacted, that all orders and other proceedings of the governor general and council of Fort William shall be expressed to be made by the governor general in council, and that all orders and other proceedings of the governors and council of Fort Saint George and Bombay respectively shall be expressed to be made by the governor in council and not otherwise; and that the several orders and proceedings of all the said presidencies shall previous to their being published or put in execution be signed by the chief secretary to the council of the presidency by the authority of the governor general in council or governor in council, as the case may be.

**XL.** AND be it further enacted, that the governor general in council at Fort William shall have and be invested by virtue of this Act with full power and authority to superintend, controul and direct the several governments and presidencies of Fort Saint George and Bombay, and all other governments erected or to be erected by the said united company within the limits of their said exclusive trade, in all such points as shall relate to any negotiations or transactions with the country powers or states, or levying war or making peace, or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such presidencies or governments, or to the civil or military government of the said presidencies, acquisitions or territories, or any of them.

Governor general in council at Fort William empowered to superintend the other presidencies.

**XLI.** AND in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the governor general in council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said presidencies or governments to whom such orders or instructions shall be given respecting the power of the governor general in council to give such orders, yet the said presidencies or governments shall be bound to obey such orders and directions of the said governor general in council in all cases whatever, except only where they shall have received positive orders and instructions from the said court of directors, or from the secret committee of directors by the authority of the said board of commissioners for the affairs of India, repugnant to the orders and instructions of the said governor general in council, and not known to the said governor general and council at the time of dispatching their orders and instructions as aforesaid; and the said governor general in council shall at the time of transmitting all such orders and instructions transmit therewith the dates of and the times of receiving the last dispatches, orders and instructions which they have received from the court of directors, or from the said secret committee by the direction of the said board of commissioners, on any of the points contained therein; and the said presidencies, governments and settlements in all cases where they have received any orders from the said court of directors, or from the said secret committee by the direction of the board of commissioners as aforesaid, which they shall deem repugnant to the orders of the said governor general in council of Fort William, and which were not known to the said governor general and council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof, to the governor general in council of Fort William, who shall after the receipt of the same dispatch such further orders and instructions to the said presidencies and governments or settlements as the said governor general in council may judge necessary thereupon.

The other presidencies to obey the orders of the governor general in council of Fort William in all cases, if not repugnant to instructions from England.

Governor general in council to send dates, &c. of dispatches from England on points contained in instructions to presidencies, &c. Presidencies to transmit to him copies of any dispatches which they deem repugnant to his instructions.

**XLII.** AND forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and policy of this nation: Be it further enacted, that it shall not be lawful for the governor general in council of Fort William aforesaid, without the express command and authority of the said court of directors, or of the said secret committee by the authority of the said board of commissioners for the affairs of India, in any case (except where hostilities have actually been commenced

War not to be declared, &c. by the governor general in council of Fort William without the command of the directors, &c. except prepa-

rations for  
hostilities shall  
be made against  
British, &c.

or preparations actually made for the commencement of hostilities against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said united company shall be at such time engaged by any subsisting treaty to defend or guarantee) either to declare war or commence hostilities or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in any such case it shall not be lawful for the said governor general and council to declare war or to commence hostilities or to enter into any treaty for making war against any other prince or state than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the company against such hostilities commenced or preparations made as aforesaid; and in all cases where hostilities shall be commenced or treaty made, the said governor general and council shall, by the most expeditious means they can devise, communicate the same unto the said court of directors or to the said secret committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities or made such treaties, and their motives and reasons for the same at large.

Communication  
of commence-  
ment of hos-  
tilities, &c. to  
be made to the  
directors, &c.

Governments  
of Fort St.  
George and  
Bombay, &c.  
not to declare  
war, &c. but by  
orders from  
Fort William  
or the directors,  
&c.

XLIII. AND be it further enacted, that it shall not be lawful for the governors and counsellors of Fort Saint George and Bombay or of any other subordinate settlement to make or issue any order for commencing hostilities or levying war, or to negotiate or conclude any treaty of peace or other treaty with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said governor general in council of Fort William aforesaid, or from the said court of directors, or from the said secret committee by the authority of the said board of commissioners for the affairs of India; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the governor general in council of Fort William aforesaid; and the said governors and counsellors and other officers of the said presidencies of Fort Saint George and Bombay or other settlements respectively are hereby required to pay and yield obedience to all such orders as they shall from time to time respectively receive from the said governor general in council of Fort William aforesaid concerning the matters aforesaid; and that all and singular the said governors, counsellors and other officers who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said governor general in council of Fort William as aforesaid shall be liable to be removed, dismissed or suspended from the exercise of their respective offices or powers by order of the said governor general in council of Fort William and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law in that behalf.

Penalty on  
governors, &c.  
for neglect of  
orders from  
Fort William.

Governments of  
Fort St. George  
and Bombay,  
&c. to send to  
Fort William  
copies of all  
their orders, &c.

XLIV. AND be it further enacted, that the governors and counsellors of the said presidencies of Fort Saint George and Bombay respectively for the time being, and the governors and counsellors or other chief officer or officers of and belonging to any other British settlement in India, shall and they are

hereby respectively required constantly and diligently to transmit to the said governor general in council at Fort William aforesaid true and exact copies of all orders, resolutions and acts in council of their respective governments, presidencies and councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the governor general in council of Fort William aforesaid, or which the said governor general in council shall from time to time require.

XLV. AND be it further enacted, that it shall and may be lawful for the governor general of Fort William aforesaid for the time being to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India with any of the princes, rajahs or zemindars, or any other person or persons having authority in India, or with the commanders, governors or presidents of any factories established in the East Indies by any European power, or any correspondence contrary to the rules and orders of the said company or of the governor general in council of Fort William aforesaid; and if upon examination taken upon oath in writing of any credible witness or witnesses before the governor general in council of Fort William aforesaid there shall appear reasonable grounds for the charge, the said governor general shall be and is hereby authorized and empowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation on which he or they shall have been committed; and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof; and that such witnesses and also the witness or witnesses in support of the charge shall be examined and cross-examined on oath in the presence of the party accused, and their depositions and examinations taken down in writing; and if, notwithstanding such defence, there shall appear to the said governor general in council reasonable grounds for the charge or accusation and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India or sent to England for that purpose; and that all such examinations and proceedings or attested copies thereof, under the seal of the Supreme Court of Judicature at Fort William or of one of the mayor's courts, shall be transmitted to the said court of directors by the first dispatches, in order to their being produced in evidence on the trial of the parties in the event of their being sent for trial to Great Britain; and in case such person or persons is or are intended to be sent to England, the said governor general shall and he is hereby required to cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage, in which case he or they shall be sent as soon as his or their state of health will safely admit thereof; and that the examinations and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all courts of law, subject to any just exceptions to the competency of the said witnesses.

Governor general of Fort William may issue warrants for securing persons suspected of dangerous correspondence.

Proceedings to be had where reasonable grounds for the charge shall appear against such persons.

Governors of Fort St. George and Bombay to have the like powers with respect to suspected persons as the governor general.

**XLVI.** AND be it further enacted, that the several governors or governors in council of Fort Saint George and Bombay shall have the like powers, under and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as aforesaid within their respective presidencies and settlements, and of sending them to England for trial, as are hereby given to the said governor general or governor general in council of Fort William respectively.

Governor general or governors may order measures proposed in council, about which they differ from the other members, to be adopted or suspended, &c. without the consent of the council;

**XLVII.** AND whereas it will tend greatly to the strength and security of the British possessions in India, and give energy, vigour and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the governor general of Fort William in Bengal and the several governors of Fort Saint George and Bombay were vested with a discretionary power of acting without the concurrence of their respective councils, or forbearing to act, according to their opinions, in cases of high importance, and essentially affecting the publick interest and welfare, thereby subjecting themselves personally to answer to their country for so acting or forbearing to act: Be it enacted, that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal or in either of the councils of Fort Saint George and Bombay, whereby the interests of the said united company or the safety or tranquillity of the British possessions in India or any part thereof are or may, in the judgement of the governor general or of the said governors respectively, be essentially concerned or affected, and the said governor general or such governors respectively shall be of opinion that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other members of such council then present shall differ in and dissent from such opinion, the said governor general or such governor and the other members of the council shall and they are hereby directed forthwith mutually to exchange with and communicate in council to each other, in writing under their respective hands (to be recorded at large on their secret consultations), the respective grounds and reasons of their respective opinions; and if after considering the same the said governor general or such governor respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor general in the Supreme Council of Fort William, or either of the said governors in their respective councils, to make and declare any order (to be signed and subscribed by the said governor general or by the governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor general or such governors in their respective councils shall think fit and expedient; which said last-mentioned order and resolution so made and declared shall be signed as well by the said governor general or the governor so making and declaring the same as by all the other members of the council then present, and shall, by force and virtue of this Act, be as effectual and valid to all intents and purposes as if all the said other members had advised the same or concurred therein; and the said members of council, and all officers civil

and military, and all other persons concerned, shall be and they are hereby commanded, authorized and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

XLVIII. AND be it further enacted, that the governor general or governor who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council shall alone be held responsible for the same and the consequences thereof.

the governor making the order to be alone responsible for the same;

XLIX. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to give power to the said governor general of Fort William in Bengal, or to either of the said governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the councils of the respective governments or presidencies, any thing herein contained to the contrary notwithstanding.

but not to make any order which could not have been made with the consent of the council.

L. PROVIDED also, and be it further enacted and declared, that nothing in this Act contained shall extend or be construed to extend to give any discretionary power of acting or forbearing to act without the concurrence of the other members of council unto any person on whom the said office of governor general or the said office of governor respectively shall happen to devolve by the death or resignation of any governor general or governor for the time being respectively, or unto any deputy governor general, unless such person shall have been provisionally appointed to succeed to such respective office by the said court of directors, or unless and until such person shall have been or shall be confirmed in the said office; and that in the mean time all orders, resolutions and other acts and things in such presidency shall be determined by the voice of the major part in number of the governor general and counsellors or governor and counsellors present at the making or doing thereof, such governor general or governor having on any equality of voices a casting vote, and not otherwise or in any other manner, any thing in this Act contained to the contrary notwithstanding.

No person to act without the concurrence of the council, on whom the office of governor general or governor shall devolve by death, unless provisionally appointed, &c.

LI. PROVIDED also, and be it further enacted, that nothing herein contained shall be construed to give power or authority to the governor general of Fort William in Bengal, or either of the governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the counsellors of their respective governments, in any matter which shall come under the consideration of the said governor general and governors in council respectively in their judicial capacity, or to make, repeal or suspend any general rule, order or regulation for the good order and civil government of the said united company's settlements, or to impose of his own authority any tax or duty within the said respective governments or presidencies.

Governor general, &c. not to carry into execution any order against the opinion of the council in certain cases.

LII. AND be it further enacted, that when the governor general of Fort William in Bengal for the time being shall find it expedient to visit the presidency of Fort Saint George or the presidency of Bombay, or any province or place in India, the powers and authorities of the governor or other chief officer or officers of such presidency, province or place shall from the time of

The powers of the governor of either of the other presidencies, &c. vested in the governor general during

his stay in the  
presidency.

the proclamation of the arrival of the said governor general therein be suspended (except with regard to judicial proceedings), and shall so continue to be suspended until other proclamation be made to the contrary by the order of the said governor general, or otherwise until the said governor general shall depart therefrom, and no longer; and that during that interval the powers and authorities of the said governor or other chief officer shall be vested in the said governor general, with liberty nevertheless for such governor to sit and act as a member of the council of such presidency; and that the said governor general in council at either of the said presidencies of Fort Saint George and Bombay shall be invested with the powers and authorities of the governor in council of the same presidency or settlement respectively, and also with the same ample powers and authorities as can or may be exercised by the governor general in council at Fort William by force and virtue of this Act.

Governor  
general to  
nominate a  
vice president  
of Fort William  
to act there  
during his  
absence;

LIII. AND be it further enacted, that when and so often as the said governor general shall on any occasion be absent from his own government of Bengal, such one of the members of the council thereof as the said governor general shall nominate for that purpose shall be styled and act as vice president and deputy governor of Fort William, and that the government of the said presidency shall be exercised by such vice president or deputy and the other members or member of the said council in like manner and no further or otherwise than as the government of the said presidencies of Fort Saint George and Bombay may be exercised by the governors in council there, subject nevertheless to the restrictions in this Act contained.

and while ab-  
sent may issue  
orders to the  
officers and  
servants of the  
other presi-  
dencies, &c.,

LIV. AND be it further enacted, that if the said governor general during his absence from his own government of Bengal shall judge it necessary to issue any orders or directions to any of the said governments or presidencies in India, or to any of the officers or servants of the said company acting under the authority of any of the said presidencies, without previously communicating such orders or instructions to the said respective governments under the authority of which such officers or servants shall be acting, it shall and may be lawful for him to issue the same; and that the said respective governments or presidencies, and also such officers and servants, shall and they are hereby severally and respectively authorized and required to obey the same, and such orders and instructions shall be of the same force as if the same had been made by the said governor general in council at Fort William, but not of any greater or other force or validity; and that if such orders or directions shall be made by the said governor general of his own sole authority, or without the concurrence of the other members of council of either of the said presidencies of Fort Saint George and Bombay respectively, in that case the said governor general shall be alone held responsible for the same, in the like manner as for any orders or resolutions by him made in council at Fort William of his own sole authority, without the concurrence of the other members of the same council, according to the directions and true intent and meaning of this Act: Provided always, that such governor general shall and he is hereby required to transmit by the first opportunity to the governors and councils of the respective presidencies to which the officers or servants to whom any such orders or instructions shall be so sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit

transmitting  
copies thereof  
to governors,  
&c. of presi-  
dencies and  
court of  
directors.



to the court of directors of the said company, by the first opportunity that shall or may occur, a copy of all orders and instructions by him so sent to any of the said governments, presidencies, officers or servants respectively, together with his reasons and inducements for sending or issuing the same.

LV. PROVIDED also, and be it further enacted, that it shall and may be lawful for the court of directors of the said company, with the approbation of the board of commissioners for the affairs of India, to suspend all or any of the powers hereby given to the governor general of Fort William to act upon his own sole authority at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly from the time of the arrival of their orders for that purpose in India, and also for the said court of directors, with such approbation as aforesaid, to revive the said powers when and as they shall think fit, any thing herein contained to the contrary notwithstanding.

Directors, with the approbation of the board, may suspend and again revive the powers of the governor general to act upon his own authority.

\* \* \* \* \*

LVII. AND be it further enacted, that all vacancies happening in any of the offices, places or employments in the civil line of the company's service in India (being under the degree of counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said company belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise; (that is to say,) that in the filling up and supplying such vacancies no office, place or employment the salary, perquisites and emoluments whereof shall exceed five hundred pounds per annum shall be conferred upon or granted to any of the said servants who shall not have been actually resident in India as a covenanted servant of the said company for the space of three years at the least in the whole antecedent to such vacancy; and if the salary, perquisites and emoluments of any office, place or employment shall exceed one thousand five hundred pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said service for the space of six years at the least in the whole antecedent to such vacancy; and if the salary, perquisites and emoluments of any office, place or employment shall exceed three thousand pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said company's service for the space of nine years at the least in the whole; and if the salary, perquisites and emoluments of any office, place or employment shall exceed four thousand pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the company's service for the space of twelve years at the least in the whole antecedent to such vacancy; and that all appointments, advancements and promotions which shall be made for supplying any such vacancies other than as aforesaid shall be null and void.

Regulations for filling up vacancies in the civil line.

LVIII. AND be it further enacted, that no person shall for the future be capable of taking in the civil line of the company's service two or more offices, places or employments, the joint amount of the salaries, perquisites and emoluments of which shall exceed in the whole the annual salary, perquisites and emoluments respectively herein-before in that behalf prescribed, any law or usage to the contrary notwithstanding.

No person to hold two offices the salaries of which amount to more than the prescribed sum.

Directors not to send out more persons than necessary to supply the complement of the establishment.

LIX. AND be it further enacted, that it shall not be lawful for the court of directors of the said company to appoint or send out to India a greater number of persons in the capacity of cadets or writers, or in any other capacity, than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said lists of their establishments, according to such returns of vacancies as the respective governments in India shall transmit from thence to the said court of directors.

Writers and cadets to be of certain ages, &c.

LX. [a] AND be it further enacted, that no person shall be capable of acting or being appointed or sent to India in the capacity of writer or cadet whose age shall be under fifteen years or shall exceed twenty-two years, nor until the person proposed or intended to be so appointed shall have delivered to the said court of directors a certificate of his age under the hand of the minister of the parish in which he was baptized or keeper of the registry of baptism of such parish; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years and doth not exceed twenty-two years: Provided nevertheless, that the said restriction shall not extend to prevent the said court of directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and have been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

British-born subjects appointed to receive company's rents, &c. in India, to take an oath.

LXI. AND for preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British-born subject), who is or shall be appointed or authorised to collect, manage, controul or receive the rents, duties or revenues of and belonging and due and payable to the said company in India, shall before he enters upon the collection and receipt thereof take and subscribe the following oath, which oath the chief justice or one of the puisne judges of the Supreme Court of Judicature at Bengal, or the mayor or other magistrate in any of the other presidencies or settlements, or such other person as shall be deputed or authorized by any order in council of any of the said presidencies in that behalf, shall and is hereby authorised and commanded to administer, and such oath so administered shall be recorded in the Supreme Court at Calcutta or in one of the said provincial or mayor's courts; (that is to say,)

The oath.

I A.B. do promise and swear, that I will to the utmost of my endeavours well and faithfully execute and discharge the duties of an officer of revenue reposed in and committed to me by the United Company of Merchants of England trading to the East Indies, and that I will not demand, take or accept, directly or indirectly, by myself or by any other person, for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, renter or ryot, or from any person paying or

[a] So much of this section as enacts that no person shall be appointed or sent out to India as a writer after he has attained the age of 22 years, rep., 7 Will. 4. & 1 Vict. c. 70. s. 4.]

liable to pay any tribute, rent or tax to or for the use of the said united company, any sum of money or other valuable thing by way of gift, present or otherwise, over and above or besides and except the actual tribute, rent or tax authorised to be taken by and for the use of the said united company; and that I will justly and truly account for, answer and pay all the rents, duties and other revenues and sums of money which shall come to my hands, or to the hands of any person or persons in trust for or employed by me as an officer of the revenues of the said company, unto the said united company.

So help me GOD.

LXII. AND be it further enacted, that the demanding or receiving any sum of money or other valuable thing as a gift or present or under colour thereof, whether it be for the use of the party receiving the same or for or pretended to be for the use of the said company or of any other person whatsoever, by any British subject holding or exercising any office or employment under his Majesty or the said united company in the East Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such under and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received or the full value thereof.

Receiving gifts to be deemed a misdemeanor.

LXIII. PROVIDED always, and be it further enacted, that the court or jurisdiction before whom any such offence shall be tried shall have full power and authority to direct the said present or gift or any part thereof to be restored to the party who gave the same, or to order the whole or any part thereof, or of any fine which the court shall set on the offender, to be paid or given to the prosecutor or informer, as such court in its discretion shall think fit.

The court may order gifts to be restored, or gifts or fines to be given to the prosecutors.

LXIV. PROVIDED always, and be it enacted, that nothing herein contained shall extend or be construed to extend to prohibit or prevent any person exercising the profession of counsellor at law, physician or surgeon, or any chaplain, from accepting, taking or receiving fees, gratuities or rewards (bonâ fide) in the way of his profession only.

Counsellors at law, &c. may take fees in their professions.

LXV. AND be it further enacted, that the wilful disobeying or the wilfully omitting, forbearing or neglecting to execute the orders or instructions of the court of directors of the said company by any governor general, governor, president, counsellor or commander in chief, or by any other of the officers or servants of the said united company in the East Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying or omitting or forbearing to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment by any such governor general, governor, president, counsellor or commander in chief, or by any of the officers or servants of the said united company in the East Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.

Neglect to execute the orders of the directors, &c. to be deemed a misdemeanor;

LXVI. AND be it further enacted, that the making or entering into or being a party to any corrupt bargain or contract for the giving up or for obtaining or in any other manner touching or concerning the trust and duty

as also the making of any corrupt bargain for giving

up or obtaining any employment in India.

His Majesty's subjects amenable to courts of justice in India and Great Britain for offences in the territories of native princes.

Company not to stay actions without the approbation of the board.

Company not to release sentences on servants or restore servants dismissed by sentences.

No person under the degree of a member of council or commander in chief, who shall not return to India within 5 years from his leave to depart, shall be entitled to rank, &c., or to serve again, except as herein provided.

of any office or employment under the crown or the said united company in the East Indies, by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this Act.

LXVII. AND be it further enacted, that all his Majesty's subjects, as well servants of the said united company as others, shall be and are hereby declared to be amenable to all courts of justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences and crimes whatever by them or any of them done or to be done or committed in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

LXVIII. AND be it further enacted, that it shall not be lawful for the said united company or for any of their officers or servants, or for the court of directors of the said company, to discontinue, stay or compound or settle or agree any actions or suits at law or equity, now depending or hereafter to be commenced, before a final decree or judgement shall be obtained or given therein, unless by and with the approbation of the board of commissioners for the affairs of India for that purpose in writing first had and obtained; and that all compositions and agreements made for any of the purposes aforesaid by the court of directors of the said company, with the approbation of the said board, shall be valid and effectual in that behalf, any thing herein or in any other Act or Acts contained to the contrary notwithstanding.

LXIX. AND be it further enacted, that after sentence or judgement of any court having competent jurisdiction, whether in Great Britain or in India, against any governor general, governor, president, counsellor or commander in chief, or against any of the said united company's servants, civil or military, for any debts or penalty due or belonging to the said united company, or for any extortion or other misdemeanor, it shall not be lawful for the said united company in any case whatever to release or compound such sentence or judgement, or to restore any servant or servants of the said company who shall have been removed or dismissed from his or their office or employment for or on account of misbehaviour by the sentence of any of the said courts.

LXX. AND be it further enacted, that no person who shall have held any civil or military station whatever in India in the service of the said united company, being under the rank or degree of a member of council or commander in chief of the forces, and who, having departed from India by leave of the governor general in council or governor in council, shall not return to India within the space of five years next after such departure, shall be entitled to any rank or restoration of office or be capable of again serving in India, either in the European or Native corps of troops or in the civil line of the company's service, unless in the case of any civil servant of the company it shall be proved to the satisfaction of the court of directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by

way of ballot by three parts in four of the proprietors assembled in general court specially convened for that purpose, whereof eight days previous notice of the time and purpose of such meeting shall be given in the London Gazette, or unless in the case of any military officer it shall be proved to the satisfaction of the said court of directors and the board of commissioners for the affairs of India that such absence was occasioned by sickness or infirmity or some inevitable accident.

\* \* \* \* \*

CXXXVII. AND be it further enacted, that it shall not be lawful for any governor general or governor or any member of council of the said presidencies in India to be concerned in any trade or traffick whatever except on account of the said company, nor for any collector, supervisor or other person employed or concerned in the collection of the revenues or the administration of justice in the provinces of Bengal, Bahar and Orissa or either of them, or their agents or servants, or any person or persons in trust for them or any of them, to carry on or be concerned in or to have any dealings or transactions by way of traffick or trade at any place within any of the provinces in India or other parts, or to buy any goods and sell the same again or any part thereof at the place where he or they bought the same, or at any other place within the same province or any other such province or country respectively, except on account of the said company; nor shall it be lawful for any of the judges of the Supreme Court of Judicature to be concerned in any trade or traffick whatever; nor shall it be lawful for any of his Majesty's subjects in the said provinces to engage, intermeddle or be in anywise concerned, directly or indirectly, in the inland trade in salt, beetle nut, tobacco or rice, except on the account of the said company or with their permission; on pain of forfeiting all such goods or commodities which they or any of them shall so buy and sell again by way of traffick, or in which any of them shall so trade, and also treble the value thereof, one moiety to the said united company and the other moiety to him or them who will sue for the same.

No governor general, &c. to trade except on account of the company.

No judge of Supreme Court to be concerned in any trade.

No person whatever to be concerned in the inland trade in salt, &c. except for the company or with their permission.

\* \* \* \* \*

CXL. AND be it further enacted, that all penalties, forfeitures, seizures, causes of seizure, crimes, misdemeanors and other offences, which shall arise or be incurred or made under or shall be committed against this Act, shall be sued for, prosecuted, examined, recovered and adjudged in any of his Majesty's courts of record at Westminster, or in the Supreme Court of Judicature at Fort William in Bengal, or in one of the mayor's courts at Madras or Bombay respectively, in manner following; (that is to say,) all such pecuniary penalties, and all forfeitures of ships, vessels, merchandize and goods, shall and may be sued for, condemned and recovered by action, bill, suit or information, wherein no essoin, protection, wager of law or more than one imparlance shall be granted or allowed; and all such seizures, whether of any person or of any ships, vessels, merchandizes and goods, and all causes of such seizure, shall be cognizable in such actions, suits or prosecutions as shall bring into question or relate to the lawfulness or regularity of any such seizure; and all such offences as by this Act are not made punishable by pecuniary penalties or by any forfeitures of goods, but by fine or imprisonment, or both, or are hereby created without providing any particular punishment, shall be prosecuted by

How offences against this Act may be prosecuted, &c.

indictment or information as misdemeanors for breach thereof, and shall be punished by fine or imprisonment, or both, at the discretion of the court in which such prosecution shall by virtue of this Act be begun and carried on; and if such prosecution for a misdemeanor shall be in any of the said courts in the East Indies, and the person or persons prosecuted shall be there convicted, it shall be lawful for such court to order, as part or for the whole of the punishment, any such person or persons to be sent and conveyed to Great Britain.

How actions  
shall be laid.

Limitation of  
actions, and  
process.

CXLI. AND be it further enacted, that whenever any action, bill, suit, information or indictment shall be brought or prosecuted in any of his Majesty's courts of record at Westminster for any offence against this Act, whether for a penalty, forfeiture or misdemeanor, the offence shall be laid or alleged to have been committed in the city of London or county of Middlesex, at the option of the informer or prosecutor; and all actions, bills, suits, informations and indictments for any offence or offences against this Act, whether filed, brought, commenced or prosecuted for a penalty or forfeiture, or for a misdemeanor, in any of his Majesty's courts of record at Westminster, or in the said Supreme Court or any such mayor's court as aforesaid, shall be brought and prosecuted within six years next after the offence shall be committed, and a *capias* shall issue in the first process, and in the case of an offence hereby made punishable by any penalty or forfeiture such *capias* shall specify the sum of the penalty or forfeiture sued for, and the person or persons sued or prosecuted for such penalty shall on such *capias* give to the person or persons to whom such *capias* shall be directed sufficient bail or security, by natural-born subjects or denizens, for appearing in the court out of which such *capias* shall issue, at the day or return of such writ, to answer such suit or prosecution, and shall likewise at the time of such appearance give sufficient bail or security, by such persons as aforesaid, in the same court, to answer and pay all the forfeitures and penalties sued for, if he, she or they shall be convicted of such offence or offences, or to yield his, her or their body or bodies to prison; but if the prosecution shall be for any offence or offences against this Act punishable only as a misdemeanor, then the person or persons against whom such *capias* shall issue, being thereupon arrested, shall be imprisoned and bailable according to law as in other cases of misdemeanor.

\* \* \* \* \*

CLI. AND whereas the governor general and the other members of the Supreme Council of Fort William in Bengal, and the chief justice and other justices of the Supreme Court of Judicature at Fort William aforesaid, are at present the only persons authorized by law to act as justices of the peace within and throughout the provinces, districts and countries of Bengal, Bahar and Orissa, and the governor or president and the other members of the council of Fort Saint George on the coast of Coromandel, and the governor or president and the other members of the council of Bombay, are the only persons authorized by law to act as justices of the peace in and for the presidency of Fort Saint George and the presidency, island, town and factory of Bombay, and the places belonging and subordinate to the said two last-mentioned presidencies respectively: And whereas, for preserving and maintaining the peace in the said provinces and presidencies aforesaid and the places

subordinate thereto, it is expedient that a further number of persons should be appointed to act as justices of the peace in, and for the same respectively: [a] Be it therefore further enacted, that it shall and may be lawful to and for the governor general in council of Fort William in Bengal for the time being, by commissions to be from time to time issued under the seal of the Supreme Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the chief justice of the said court (which said commissions the said Supreme Court of Judicature is hereby authorized and required from time to time, by any order or warrant from the said governor general in council, to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said company or other British inhabitants as the said governor general in council shall think properly qualified, to act as justices of the peace within and for the said provinces and presidencies and places thereto subordinate respectively, and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof and of this Act, have full power and authority to act as justices of the peace, according to the tenor of the same commissions wherein they shall be respectively named, in and for the provinces and presidencies aforesaid and places subordinate thereto respectively; and the said Supreme Court, upon any requisition in writing from the said governor general in council, shall and may from time to time supersede such commissions, and upon like requisition issue new commissions for the purposes aforesaid unto the same or such other of the covenanted servants of the said company or other British inhabitants as shall from time to time be so nominated by the said governor general in council in that behalf; all which commissions shall be filed of record in the respective courts of oyer and terminer of the province, presidency or place wherein and for which the same shall be issued as aforesaid: Provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any court of oyer and terminer and gaol delivery, nor to sit in any such court, unless the justices of the said court shall on any particular occasion call upon them so to do, in which case, and so often as the same shall happen, the persons so called upon shall and may for that time associate with them and sit as justices of the said court of oyer and terminer and gaol delivery by virtue of this Act, and have a deliberative voice, being first specially authorized for that purpose by order in council.

Power given to the governor general in council of Fort William, &c. to appoint justices of the peace.

Such justices not to sit in courts of oyer and terminer and gaol delivery unless called upon.

CLII. PROVIDED always, and be it further enacted, that no person to be nominated and appointed in and by any such commission as aforesaid shall be capable of acting as a justice of the peace in any of the said provinces or presidencies until he shall have taken and subscribed, in the court of oyer and terminer of the province or presidency for which he shall be appointed to act as a justice of the peace, the like oaths as are appointed to be taken by justices of the peace in Great Britain, or as nearly to the tenor thereof as the case will admit, and as shall be approved by the said court; the oath

No persons capable of acting as a justice of the peace till they have taken the requisite oaths.

[\* So much as authorizes the governor general in council of Fort William in Bengal to nominate and appoint any person or persons to be or act as justices of the peace within and for any of the provinces, presidencies, or places subordinate to the governor in council of Fort Saint George and governor in council of Bombay respectively, or to supersede any commissions of the peace, rep., 47 Geo. 3. sess. 2. c. 68. s. 6.]

18 Geo. 2.  
[c. 20.]

of qualification prescribed by an Act of the eighteenth year of his late Majesty King George the Second, intituled "An Act to amend and render " more effectual an Act passed in the fifth year of his present Majesty's " reign, intituled 'An Act for the qualification of justices of the peace,' " only and always excepted.

Proceedings of  
the justices of  
the peace may  
be removed by  
certiorari into  
the court of  
oyer and  
terminer, &c.

CLIII. PROVIDED always, and be it further enacted and declared, that all convictions, judgements, orders and other proceedings which shall be had, made or pronounced by or before any justice or justices of the peace within any of the British settlements or territories in India, out of the court of oyer and terminer within and for the same, shall and may be removeable by writ of certiorari into the court of oyer and terminer and gaol delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it shall and may be lawful to and for any one or more of the justices of the said court of oyer and terminer and gaol delivery, and such justice or justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace or other proper officer, to award a writ of certiorari under the seal of the Supreme Court of Judicature when the matter shall arise in Bengal, Bahar or Orissa, or if it shall arise in the presidency of Fort Saint George or in the presidency of Bombay or in any settlement or place subordinate thereto respectively, then under the seal of the mayor's court of the presidency wherein the matter shall so arise or to which the cognizance thereof shall belong, for the removal and bringing of such conviction, judgement, order or other proceeding into the said court of oyer and terminer and gaol delivery; and that the said court of oyer and terminer and gaol delivery shall have full power and authority to hear and determine the matter of such conviction, judgement, order and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgement thereon in the like manner as the Court of King's Bench at Westminster can or may do upon convictions, judgements, orders or other proceedings had or made by or before any justices of the peace or court of quarter sessions in England, removed or brought into the said Court of King's Bench by writ of certiorari.

Before granting  
writ of certio-  
rari, recogni-  
zances to be  
entered into.

CLIV. PROVIDED also, and be it enacted and declared, that before the granting of any such writ the like recognizances shall be entered into, and the party or parties applying for such writ shall be put under the same terms and conditions in all respects, as are by law directed and provided in the cases of writs of certiorari awarded or granted for the removal of any conviction, judgement, order or other proceeding had or made by or before any justice or justices of the peace in England into the said Court of King's Bench, or as by the usage and practice of the same court hath been accustomed.

Justices of the  
peace may sit  
in the council  
of the presi-  
dency to hear  
appeals.

CLV. AND be it further enacted, that it shall and may be lawful for the governor general in council of Fort William or the governors of Fort Saint George and Bombay, by any order to be made in their councils respectively, to call any of the justices of the peace authorized in and by any such commission or commissions as aforesaid to sit and associate with the said governor general in council or governor in council for the more speedy hearing and determining of causes appealed; and that the said justices shall and they



are hereby authorized and required when so called upon to act as justices in the Court of Appeals accordingly, and to have and use deliberative voice in all proceedings upon such appeals.

CLVI. AND whereas by the charter of justice under the great seal of Great Britain, bearing date the twenty-sixth day of March, in the fourteenth year of his present Majesty's reign, for establishing the Supreme Court of Judicature of Fort William in Bengal, his Majesty did grant, ordain, establish and appoint that the said Supreme Court of Judicature should be a Court of Admiralty, with power and authority to enquire, hear, try, examine and determine by the oaths of British subjects all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses and enormities and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated or committed upon the high seas, rivers, ports, creeks, harbours and places overflown within the ebbing and flowing of the sea and high water mark, within, about and throughout the provinces, countries or districts of Bengal, Bahar and Orissa and the territories or islands adjacent thereto and dependant thereon, the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England: And whereas doubts have arisen how far the jurisdiction of the said Supreme Court in criminal matters is limited by the said charter to offences committed on the coasts of Bengal, Bahar and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high water mark: And inasmuch as it is essentially necessary that the Admiralty jurisdiction of the said Supreme Court of Judicature should extend to crimes and offences committed on the high seas at large: Be it further enacted and declared, that the power and authority of the said court granted to them by the said charter of justice shall extend and be extended to the high seas, and that the said court shall by force and virtue of this Act have full power and authority to enquire, hear, try, examine and determine, by the oaths of honest and lawful men, being British subjects resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated or committed upon any of the high seas, and to fine, imprison, correct, punish, chastise and reform parties guilty and violators of the laws, in like and in as ample manner to all intents and purposes as the said court might or could do if the same were done, perpetrated or committed within the limits prescribed by the said charter of justice, and not otherwise or in any other manner.

Charter of justice, dated 26th March 1774, recited.

Power given by recited charter to the Supreme Court of Judicature to extend to the high seas.

CLVII. AND whereas it is expedient that coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming or supposed to have come to an untimely end: Be it enacted, that the governor general in council at Fort William and the governors in council at Fort Saint George and Bombay, within their several presidencies and governments respectively, shall have full power and authority, by orders in council, from time to time to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the court of directors of the said company, and by like orders to

Governments may appoint coroners, who may exercise the same powers as coroners in England.

supersede and remove the persons so appointed, as occasion may appear to require; and that the persons so nominated, and taking and subscribing before one of the judges of the Supreme Court of Judicature, or one of the mayor's courts, the like oaths as are directed to be taken by the coroners of counties in England, shall and may by force of this Act have, do, execute, perform and exercise the like powers, authorities and jurisdictions within the presidency or settlement for which they shall be so respectively nominated and appointed as by law may be had, done, executed, performed or exercised by coroners elected for any county or place in England, and not otherwise or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances for the performance of the duty of their said office as shall be limited or prescribed by the said respective governments in that behalf.

1 Geo. 1. stat. 2.  
[c. 52.]

7 Geo. 3. c. 42.

Justices may  
appoint sca-  
vengers for  
cleansing the  
streets of Cal-  
cutta, Madras  
and Bombay,  
and may order  
their being  
watched and  
repaired, and  
make assess-  
ments for  
those purposes,  
&c.

CLVIII. AND whereas by an Act of the first year of the reign of his late Majesty King George the First, intituled "An Act for making the laws for "repairing the highways more effectual," provision was made for authorizing justices of the peace in cities and market towns, at their general or quarter sessions, to appoint scavengers for cleansing and repairing the streets of the same, and to raise money by assessments upon the inhabitants for defraying the expences thereof: And whereas by an Act passed in the seventh year of the reign of his present Majesty, to amend and reduce into one Act the statutes for the amendment and preservation of the publick highways, it was enacted that the said recited Act of the first year of King George the First should be repealed: And whereas it is essentially necessary for the health, as well as for the security, comfort, and convenience of the inhabitants of the towns and factories of Calcutta, Madras and Bombay, in the East Indies, that the streets therein should be regularly and effectually cleansed, watched and repaired: Be it therefore enacted, that it shall and may be lawful to and for the justices of the peace within or for the presidencies of Fort William, Fort Saint George and Bombay respectively for the time being, or the major part of them, from time to time assembled at their general or quarter sessions, to appoint scavengers for cleansing the streets of the said towns or factories of Calcutta, Madras and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the streets therein as they respectively shall judge necessary, and for the purpose of defraying the expences thereof from time to time to make an equal assessment or assessments on the owners or occupiers of houses, buildings and grounds in the said towns or factories respectively, according to the true and real annual values thereof, so that the whole of such assessment or assessments shall not exceed in any one year the proportion of one twentieth part of the gross annual values thereof respectively, unless any higher rate of assessment shall, in the judgement of the governor general in council or governor in council of the said respective presidencies, become essentially necessary for the cleansing, watching or repairing thereof, in which case the said governor general in council or governor in council shall and may on any such urgent occasion, by order in council, authorize a further assessment, not exceeding in any one year the half part of the amount of the ordinary annual assessment herein-before limited, and that it shall be thereupon lawful for the said justices to make a further assessment according

to the tenor of such order, and not otherwise or in any other manner; and that all and every such assessment or assessments shall and may from time to time be levied and collected by such person or persons and in such manner as the said justices by their order in session shall direct and appoint in that behalf, and the money thereby raised shall be employed and disposed of according to the orders and directions of the said justices in session respectively for and towards the repairing, watching and cleansing the said streets, and for no other purpose; and that the said assessments being allowed under the hands and seals of such justices or any two or more of them shall and may be levied, by warrant under their hands and seals or the hands and seals of any two of them, by distress and sale of the goods and chattels of any person or persons not paying the same within eight days after demand, rendering the overplus (if any be) to the same person or persons, the necessary charges of making, keeping and selling such distress or distresses being first deducted.

CLIX. AND be it further enacted, that it shall not be lawful for any person or persons to sell any arrack or other spirituous liquors within the towns or factories of Calcutta, Madras or Bombay respectively, without a licence for that purpose under the hands and seals of two or more of the justices of the peace having jurisdiction; and that the powers and authorities vested by any laws or statutes now in force in that part of Great Britain called England in any justices of the peace for restraining the inordinate sale of spirituous liquors shall extend to and be put in force against all unlicensed traders in spirits or spirituous liquors within the said towns and factories respectively by the justices having jurisdiction therein; and that if any question shall arise touching or concerning the true limits and extent of the said towns and factories or any of them, the same shall be enquired into by the governor general in council at Fort William in respect to the limits and extent of Calcutta, and by the governor in council of Fort Saint George in respect to the limits and extent of Madras, and the governor in council at Bombay in respect to the town of Bombay; and that such limits as the said respective governments by order in council shall declare and prescribe to be the limits of the said towns and factories respectively shall be held, deemed and taken in law as the true limits of the same, any custom or usage to the contrary notwithstanding.

No spirituous liquors to be sold in Calcutta, Madras or Bombay without licence.

Governor general, &c. in council to prescribe the limits of those places.

CLX. AND be it further enacted, that every person who shall hereafter be elected a director of the said company shall within ten days next after his election, and before he shall take that office upon him (save only the administering the oath herein-after mentioned), instead of the oaths now prescribed to be taken by persons elected directors of the said company, take the following oath; (that is to say,)

Directors hereafter elected to take the following oath.

**I** A.B. do swear, that the sum of two thousand pounds now standing in my name of the stock of the United Company of Merchants of England trading to the East Indies, whereof I am elected to be a director, doth at this time belong to me in my own right, and not in trust for any other person or persons whomsoever: And I do further swear, that in case I shall at any time or times whilst I shall continue to be a director of the said company have any dealings or business with the said company upon my own account, separately or in conjunction with any other person or persons, for or in respect of buying for or selling to the said company any bullion or other goods whatsoever, or in making any other bargain or contract whatsoever, by, to or with the said

company, then and in every such case, previous to any treaty or negotiation upon such business or businesses, I will declare and record the same upon the proceedings of the court or committee where the same is to be transacted, and that I will withdraw from such court or committee during the discussion thereof, and will not return thereto until after such business or businesses shall be decided upon: And I do further swear, that I am not directly or indirectly interested or concerned as an owner or part owner of or in any ship or vessel which at this time is hired or freighted or is expected to be hired or freighted to or for the use of the said company, and that during the time I shall continue to be a director of the said company I will not become an owner or part owner of any ship or vessel which is or shall be so freighted, except such ships or shares of ships as shall come to me by bequest or marriage, or as next of kin of any person who shall die intestate, and that in all such cases I will forthwith give notice in writing to the court of directors of the said company of my being so interested; and I do hereby promise that I will sell and dispose of my interest in such shipping within twelve months next after my interest therein shall accrue, or in default thereof shall and will vacate my place and office of a director of the said company: And further I do swear, that I will not directly or indirectly accept or take any perquisite, emolument, fee, present or reward upon any account whatsoever, or any promise or engagement for any perquisite, emolument, fee, present or reward whatsoever, for or in respect of the appointment or nomination of any person or persons to any place or office in the gift or appointment of the said company, or of me as a director thereof, or for or on account of stationing or appointing the voyage or voyages of any ship or ships in the said company's employ, or for or on account of or any ways relating to any other business or affairs of the said company: And I do further swear, that I will be faithful to the said company, and according to the best of my skill and understanding give my best advice, counsel and assistance for the support of the good government of the said company, and during my continuance in the said company will not at any time or times ship, lade, send, direct or cause to be sent from England or any other country to the East Indies or other parts within the limits wherein the said company may lawfully trade by virtue of their charter of incorporation, or bring from thence for my private account, any goods, coins or other merchandizes contrary to an Act of Parliament made in the thirty-third year of the reign of his Majesty King George the Third, intituled [here insert the title of this Act]: And I do further faithfully promise and swear, that in the office of a director of the said company I will be indifferent and equal to all manner of persons, and will in all things faithfully and honestly demean myself according to the best of my skill and understanding.

So help me GOD.

Which said oath shall be signed by the person or persons taking the same, and shall be administered by any two of the directors of the said company, who also shall sign and attest the same; and in case any person so to be elected a director of the said company shall refuse or neglect to take the said oath within the time aforesaid, his office or place as a director of the said company shall become void.

\* \* \* \* \*

CLXII. AND be it further enacted, that all suits and prosecutions for any thing done under or by virtue of this Act shall be commenced within the space of three years after the cause of complaint shall have arisen, or, being done in Great Britain in the absence of any person beyond sea aggrieved thereby, then within the space of three years next after the return of such person to Great Britain.

Limitation  
suits.

CLXIII. AND be it further enacted, that so much and such parts of this Act in respect whereof no particular time or times of commencement is or are herein named or appointed shall have commencement in Great Britain immediately after this Act shall have received his Majesty's royal assent, and in the East Indies and other parts and limits aforesaid from the first day of February one thousand seven hundred and ninety-four.

Commence-  
ment of the  
parts of the  
Act for which  
no particular  
time is ap-  
pointed.

## CHAPTER LV.

AN ACT to authorize Justices of the Peace to impose Fines upon Constables, Overseers and other Peace or Parish Officers for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates.

[21st June 1793.]

**W**HEREAS it is expedient to give further powers to justices of the peace to impose fines upon overseers of the poor, constables and other peace and parish officers within their respective jurisdictions, for neglect of duty in such their respective offices, or for disobedience of the warrants or orders of such justices; and it is also expedient to empower justices to impose fines upon masters of apprentices for ill usage of such their apprentices, and also to make provision for the execution of warrants of distress granted by magistrates: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for any two or more of his Majesty's justices of the peace assembled at any special or petty sessions of the peace, upon complaint being made upon oath before them of any neglect of duty, or of any disobedience of any lawful warrant or order of any justice or justices of the peace, by any constable, overseer of the poor or other peace or parish officer, or upon complaint made to such two or more justices upon oath by or on the behalf of any apprentice to any trade or business whatsoever, whether bound apprentice by any parish or township or otherwise, provided that not more than the sum of ten pounds be paid upon the binding of such apprentice, against his or her master or mistress, of any ill usage of such apprentice by such master or mistress (such constable, overseer or other officer, master or mistress, having been duly summoned to appear and answer such charge or complaint), to impose, upon conviction, any reasonable fine or fines, not exceeding the sum of forty shillings, upon such constable, overseer or other officer, master or mistress respectively, as a punishment for such disobedience, neglect of duty or ill usage, and by warrant under the hands and seals of any two or more of such justices assembled at any such special or petty sessions as aforesaid to direct such

Preamble.

Justices may  
impose fines  
upon con-  
stables, &c. for  
neglect of duty,  
and on masters  
for ill usage of  
apprentices.

Fines may be levied by distress.

Application of fines.

Persons aggrieved may appeal to the quarter sessions.

For want of distress offenders may be committed.

No persons acting under warrants of distress to be deemed trespassers on account of irregularity therein, &c.

fine or fines, if not paid, to be levied by distress and sale of the goods and chattels of the person or persons so offending, rendering the overplus (if any), after deducting the amount of such fine or fines and the charges of such distress and sale, to such offender or offenders; and such fine or fines which may be imposed upon any such constable, overseer or other officer as aforesaid, shall be applied and disposed of for the relief of the poor of the parish, township or place where the offenders shall respectively reside, at the discretion of the justices imposing the same; and such fine or fines which may be imposed upon any such master or mistress shall, at the discretion of the justices imposing the same, be either so applied and disposed of as aforesaid, or be otherwise paid and applied to or for the use and benefit of such apprentice, for or towards a recompence or compensation for the injury which may have been by him or her sustained by reason of such ill usage as aforesaid; and if any person shall be aggrieved by the imposition of such fine or fines as aforesaid, or by any order or warrant of distress for raising and levying the same, or by the judgement or determination of the said justices, or by any act to be done in the execution of such warrant of distress, such person or persons so aggrieved shall and may appeal to the next general or quarter sessions of the peace to be held for the county, riding or division, within which such person shall reside, of which appeal ten days notice at the least shall be given; and for want of such distress such person or persons shall be committed to the house of correction for any space of time not exceeding ten days.

II. PROVIDED always, and be it further enacted, that no person acting under any such warrant of distress as aforesaid shall be deemed a trespasser ab initio by reason of any irregularity or informality in such warrant or in any proceedings thereon, but any person aggrieved by the issuing or execution of such warrant may recover the special damages thereby by him or her sustained in an action of trespass or on the case in any of his Majesty's courts of record.

\* \* \* \* \*

#### CHAPTER LXIV.

AN ACT to explain and amend an Act passed in the Seventh and Eighth Years of King William the Third, intituled "An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members," so far as relates to the Publication of Notices of the Time and Place of Election. [17th June 1793.]

Preamble.

7 & 8 Will. 3.  
c. 25.

WHEREAS by an Act made and passed in the seventh and eighth years of the late King William the Third (intituled An Act for the further regulating elections of members to serve in Parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members,) it is enacted, that the proper officers therein mentioned shall upon the receipt of precepts for the election of members to serve in Parliament forthwith cause publick notice to be given of the time and place of election, and shall proceed to election thereupon within the time by the said Act

limited, and give four days notice at least of the day appointed for the election; but it is not in the said Act specified at what time or within what hours of the day it shall be incumbent on the proper officer to give such publick notice as aforesaid: And whereas by reason of such uncertainty great inconveniencies may arise from the undue practices of returning officers and others: May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all notices to be given of the time and place of any election for members to serve in Parliament shall be publickly given at the usual place or places within the hours of eight of the clock in the forenoon and four of the clock in the afternoon from the twenty-fifth day of October to the twenty-fifth day of March inclusive, and within the hours of eight of the clock in the forenoon and six of the clock in the afternoon from the twenty-fifth day of March to the twenty-fifth day of October inclusive, and not otherwise; and that no notice to be given of the time and place of elections of members to serve in Parliament shall be deemed or taken to be a good or valid notice for any purposes, or to any effect whatsoever, which shall not be made and published in the manner and within the time of day aforesaid, any law, statute, usage or custom to the contrary notwithstanding.

Notices of the time and place of elections for members of Parliament to be given within certain hours.

## CHAPTER LXVII.

AN ACT for better preventing Offences in obstructing, destroying or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters and Ship Carpenters from pursuing their lawful Occupations.

[17th June 1793.]

**W**HEREAS many seamen, keelmen, casters and ship carpenters have of late assembled themselves in great numbers and have committed many acts of violence, which practices, if continued, may occasion great loss and damage to individuals, and injure the trade and navigation of this kingdom: For the better preventing such violent and injurious practices, and more effectually punishing such offenders, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any seamen, keelmen, casters, ship carpenters or other persons, riotously assembled together to the number of three or more, at any time after the twenty-fourth day of June in the present year of our Lord one thousand seven hundred and ninety-three, shall unlawfully and with force prevent, hinder or obstruct the loading or unloading or the sailing or navigating of any ship, keel or other vessel, or shall unlawfully and with force board any ship, keel or other vessel with intent to prevent, hinder or obstruct the loading or unloading or the sailing or navigating of such ship, keel or other vessel, every seaman, keelman, caster, ship carpenter and other person, being lawfully convicted of any of the offences aforesaid, upon any indictment to be found against him, her or them, in any court of

Preamble.

Seamen, &c. riotously assembled who shall forcibly prevent the loading, &c. of any vessels, &c. to be committed to prison.

oyer and terminer or general or quarter sessions of the peace, to be holden respectively in and for the county, shire, riding, division or district wherein the offence was committed, shall be committed either to the common gaol for the same county, shire, riding, division or district, there to continue and remain without bail or mainprize, or to the house of correction for the same county, shire, riding, division or district, there to continue and remain without bail or mainprize, and to be kept to hard labour for any term not exceeding twelve calendar months nor less than six calendar months in either case respectively.

\* \* \* \* \*

Persons offending a second time to be guilty of felony.

III. AND be it further enacted by the authority aforesaid, that if any seaman, keelman, caster, ship carpenter or other person shall be convicted of any of the offences aforesaid in pursuance of this Act, and shall afterwards offend again in like manner, every such seaman, keelman, caster, ship carpenter and other person so offending again in like manner, and being lawfully convicted thereof upon any indictment to be found against him, her or them, in any court of oyer and terminer or general or quarter sessions of the peace respectively, to be holden in and for the county, shire, riding, division or district wherein the offence was committed, shall for such second and every subsequent offence be adjudged guilty of felony, and shall be transported to some of his Majesty's dominions beyond the seas for any space of time or term of years not exceeding fourteen years nor less than seven years.

Act not to extend to matters done by the authority of his Majesty.

IV. PROVIDED always, and it is hereby enacted and declared, that none of the pains, penalties or punishments herein-before inflicted or authorized to be inflicted shall be deemed, construed or taken to extend to any act, deed, matter or thing whatsoever committed, done or suffered in the service or under or by virtue of the authority of his said Majesty or his successors, any thing herein contained to the contrary thereof in anywise notwithstanding.

\* \* \* \* \*

Offences committed on the high seas triable in any session for trial of offences committed thereon.

VII. AND be it further enacted by the authority aforesaid, that in case any of the offences herein-before described or mentioned shall be committed on the high seas, then and in every such case the offence or offences so committed shall be triable, and the person or persons so offending may be prosecuted and tried by virtue of this Act, in any session of oyer and terminer and gaol delivery for the trial of offences committed on the high seas within the jurisdiction of the Admiralty of England, any thing herein contained to the contrary in anywise notwithstanding.

Prosecutions to be commenced within a year.

VIII. PROVIDED always, and it is hereby enacted and declared, that no person or persons shall be prosecuted by virtue of this Act for any of the offences aforesaid, unless such prosecution be commenced within twelve calendar months after the offence committed.

\* \* \* \* \*



## 34 GEORGE III. A.D. 1794.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
 A.D. 1790,  
 IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTY-FIRST DAY OF JANUARY, A.D. 1794,  
 BEING THE FOURTH SESSION OF THE SEVENTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER XLI.

AN ACT to empower the East India Company to continue a Bond Debt of  
 Two Millions, and to increase the same by a further Sum, as Circum-  
 stances may require. [9th May 1794.]

**W**HEREAS by an Act made in the last session of Parliament, intituled  
 "An Act for placing the stock called East India Annuities under the  
 "management of the governor and company of the Bank of England, and  
 "ingrafting the same on the three pounds per centum reduced annuities, in  
 "redemption of a debt of four millions two hundred thousand pounds owing  
 "by the publick to the East India Company, and for enabling the said  
 "company to raise a sum of money by a further increase of their capital stock,  
 "to be applied in discharge of certain debts of the said company," it was  
 amongst other things enacted, that it should be lawful for the said company,  
 with the consent of the commissioners of his Majesty's Treasury or any three  
 of them, or the high treasurer for the time being, at any time or times  
 thereafter to open books and receive subscriptions for enlarging their then  
 present capital stock or fund of five millions to any sum not exceeding the  
 further sum of one million, so as to make their whole capital stock the sum of  
 six millions; and that the said company should, out of the monies to arise by  
 the said subscriptions, in the first place apply so much thereof as should be  
 sufficient for the purpose in reducing their bond debt in Great Britain to the  
 sum of one million five hundred thousand pounds, and after such reduction  
 made or a sufficient sum set apart and reserved for that purpose, that the  
 said company should and might apply and dispose of the residue of the  
 monies arising by the said subscriptions in the discharge of such other debts  
 due or coming due from them as they should think fit; and it was thereby  
 also enacted, that after the said bond debt should have been so reduced to one  
 million five hundred thousand pounds as aforesaid it should not be lawful  
 for the said company again to increase the same beyond that amount, unless

Preamble.

Recital of  
33 Geo. 3. c. 47.

Sect. 8.

Sect. 14.

Sect. 15.

with the approbation of the board of commissioners for the affairs of India for that purpose in writing first had and obtained, and that the whole increase to be made to the said bond debt should in nowise exceed the sum of five hundred thousand pounds: And whereas the said company have accordingly received subscriptions in the manner by the said Act directed, whereby their capital stock hath been increased to six millions, and the said company have, out of the monies arising by the said subscriptions, paid, bought up or otherwise discharged bonds to the amount of one million one hundred and fifty thousand five hundred and seventy-five pounds or thereabouts, and have set apart a sufficient sum for the purchase or discharge of as many more bonds as will reduce the said debt to two millions: And whereas in the present state of the affairs of the said company it will be for their convenience and advantage that, instead of applying any further part of the money which hath arisen by the said subscriptions in or towards a further reduction of their said bond debt beyond the sum already set apart as aforesaid, the company should be permitted to apply the same to the general purposes of their commerce and to continue on foot the said bond debt of two millions, and it is also expedient that the said company should be permitted to increase their said bond debt by a further sum not exceeding one million, as circumstances may require: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said company to keep on foot and continue their said bond debt in Great Britain at the aforesaid amount of two millions, and to apply the surplus monies of the said subscriptions remaining, after reducing or setting apart a sufficient sum to reduce the said bond debt to the amount aforesaid, to and for the general purposes of their trade and commerce; and further, that it shall and may be lawful for the said company, by and with the approbation and consent of the board of commissioners for the affairs of India for the time being, at any time or times hereafter to borrow upon and issue bonds under their common seal for any further sum or sums of money not exceeding in the whole the sum of one million, for the purposes of their trade, as circumstances may require, any thing contained in the said Act or in any other Act to the contrary notwithstanding.

Company may  
continue their  
bond debt of  
2,000,000*l*.  
and borrow a  
further sum of  
1,000,000*l*.  
upon bonds.

#### CHAPTER LVIII.

AN ACT to prevent the Removal of Suits from the Inferior Courts in the County Palatine of Lancaster into the Court of Common Pleas of the said County Palatine. [23d May 1794.]

Preamble.

**W**HEREAS great mischiefs have arisen from the facility of removing causes of small value from the inferior courts in the county palatine of Lancaster into the Court of Common Pleas of the said county palatine: For remedy whereof, be it enacted by the King's most excellent Majesty, by and

with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no execution shall be stayed or delayed upon or by any writ of false judgement or supersedeas thereon, to be sued for the reversing of any judgement given or to be given in any inferior court within the county palatine of Lancaster where the debt or damages are under ten pounds, unless such person or persons in whose name or names such writ of false judgement shall be brought, with two sufficient sureties, such as the court (wherein such judgement is or shall be given) shall allow of, shall first, before such stay made or supersedeas to be awarded, be bound unto the party for whom such judgement is or shall be given, by recognizance to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgement, to prosecute the said writ of false judgement with effect, and also to satisfy and pay (if the said judgement be affirmed or the said writ of false judgement be not proceeded in) all and singular the debt, damages and costs adjudged, and all costs and damages to be awarded for the same delaying of execution.

No execution shall be stayed by writ of false judgement, &c. in any inferior court in the county of Lancaster where debt, &c. is under 10*l.*, except on certain conditions ;

II. AND be it further enacted, that no cause, where the cause of action shall not amount to the sum of ten pounds or upwards, shall be removed or removeable from any court of inferior jurisdiction into the Court of Common Pleas at Lancaster, by any writ of pone accedas ad curiam certiorari or otherwise, unless the defendant who shall be desirous of removing such cause shall enter into the like recognizance as aforesaid for payment of the debt or damages and costs, in case judgement shall pass against him, any law or statute to the contrary thereof notwithstanding.

nor any action for less than 10*l.* be removed from any inferior court into the Common Pleas of the said county, except on certain conditions.

## 35 GEORGE III. A.D. 1794-5.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
 A.D. 1790,  
 IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 THIRTIETH DAY OF DECEMBER, A.D. 1794,  
 BEING THE FIFTH SESSION OF THE SEVENTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

## CHAPTER CI.

AN ACT to prevent the Removal of Poor Persons until they shall become  
 actually chargeable. [22d June 1795.]

Preamble.

14 Cha. 2. c. 12.  
 recited.

**W**HEREAS by an Act passed in the thirteenth and fourteenth years of  
 the reign of King Charles the Second, intituled "An Act for the better  
 relief of the poor of this kingdom," reciting, that whereas, by reason of some  
 defects in the law, poor people are not restrained from going from one parish  
 to another, and therefore do endeavour to settle themselves in those parishes  
 where there is the best stock, the largest commons or wastes to build cottages,  
 and the most woods for them to burn and destroy; and when they have con-  
 sumed it then to another parish, and at last become rogues and vagabonds,  
 to the great discouragement of parishes to provide stocks where it is liable to  
 be devoured by strangers; for remedy whereof, it is thereby amongst other  
 things enacted, that it shall and may be lawful, upon complaint made by the  
 churchwardens or overseers of the poor of any parish to any justice of the  
 peace within forty days after any such person or persons coming so to settle  
 as aforesaid in any tenement under the yearly value of ten pounds, for any  
 two justices of the peace, whereof one to be of the quorum, of the division  
 where any person or persons that are likely to be chargeable to the parish  
 shall come to inhabit, by their warrant to remove and convey such person  
 or persons to such parish where he or they were last legally settled, either  
 as a native, householder, sojourner, apprentice or servant, for the space of  
 forty days at the least, unless he or they give sufficient security for the dis-  
 charge of the said parish, to be allowed by the said justices: And whereas  
 many industrious poor persons, chargeable to the parish, township or place  
 where they live merely from want of work there, would in any other place  
 where sufficient employment is to be had maintain themselves and families  
 without being burthensome to any parish, township or place, and such poor  
 persons are for the most part compelled to live in their own parishes, town-  
 ships or places, and are not permitted to inhabit elsewhere, under pretence  
 that they are likely to become chargeable to the parish, township or place  
 into which they go for the purpose of getting employment, although the  
 labour of such poor persons might in many instances be very beneficial to  
 such parish, township or place: And whereas the remedy intended to be  
 applied thereto, by the granting of certificates in pursuance of the Act passed

in the eighth and ninth years of the reign of King William the Third, intituled "An Act for supplying some defects in the laws for the relief of the poor of this kingdom," hath been found very ineffectual, and it is necessary that other provisions should be made relating thereto: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act so much of the said in part recited Act of the thirteenth and fourteenth years of King Charles the Second as enables the justices to remove any person or persons that are likely to be chargeable to the parish, township or place into which they shall come to inhabit, shall be and the same is hereby repealed; and that from thenceforth no poor person shall be removed by virtue of any order of removal from the parish or place where such poor person shall be inhabiting to the place of his or her last legal settlement, until such person shall have become actually chargeable to the parish, township or place in which such person shall then inhabit, in which case two justices of the peace are hereby empowered to remove the person or persons in the same manner and subject to the same appeal and with the same powers as might have been done before the passing of this Act with respect to persons likely to become chargeable.

So much of recited Act as enables justices to remove persons likely to be chargeable to parishes repealed, and no persons to be removed till they become chargeable.

II. AND whereas poor persons are often removed or passed to the place of their settlement during the time of their sickness, to the great danger of their lives: For remedy thereof, be it further enacted by the authority aforesaid, that in case any poor person shall from henceforth be brought before any justice or justices of the peace for the purpose of being removed from the place where he or she is inhabiting or sojourning, by virtue of any order of removal, or of being passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal or granting such vagrant pass are hereby required and authorized to suspend the execution of the same until they are satisfied that it may safely be executed without danger to any person who is the subject thereof, which suspension of and subsequent permission to execute the same shall be respectively indorsed on the said order of removal or vagrant pass, and signed by such justice or justices; and no act done by any such poor person continuing to reside in any parish, township or place under the suspension of any such order shall be effectual either in the whole or in part for the purpose of giving him or her a settlement in the same; and the charges proved upon oath to have been incurred by such suspension of any order of removal may by the said justices be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order; and if the churchwardens or overseers of the parish, township or place to which the order of removal shall be made, or any or either of them, shall, upon the removal or death of such poor person ordered to be removed, refuse or neglect to pay the said charges within three days after demand thereof, and shall not within the same time give notice of appeal as is herein-after mentioned, it shall and may be lawful for one justice

Justices to suspend the removal of sick persons.

Charges incurred by such suspension may be directed to be paid by the officers of the parish to which such persons are ordered to be removed, and may be levied with costs.

of the peace, by warrant under his hand and seal, to cause the money mentioned in such order to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting payment of the same, and also such costs attending the same, not exceeding forty shillings, as such justice shall direct; and if the parish, township or place to which the removal of such poor person is made, or was ordered to be made, before the death of such person as aforesaid, be without the jurisdiction of the justice of the peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township or place as aforesaid, who upon receipt thereof is hereby authorized and required to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of twenty pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions against the same, as they may do against an order for the removal of poor persons by any law now in being; and if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike out the sum contained in the said order, and insert the sum which in the judgement of such court ought to be paid; and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made or either of them, or in case of the death of either of them by such other justice or justices as the said court shall direct: . . . . .

If costs and charges exceed 20*l.*, appeal may be made to the quarter sessions.

No settlement to be gained by paying taxes for a tenement of less than 10*l.* yearly value.

IV. PROVIDED always, and be it further enacted by the authority aforesaid, that from and after the passing of this Act no person or persons whatsoever, who shall come into any parish, township or place, shall gain a settlement in such parish, township or place by being charged with and paying his, her or their share towards the publick taxes or levies of the said parish, township or place, for and on account or in respect of any tenement or tenements not being of the yearly value of ten pounds.

Persons convicted of larceny, &c. to be considered as chargeable, and may be removed.

V. PROVIDED also, and be it further enacted, that every person who shall have been convicted of larceny or any other felony, . . . . . or who shall appear to any two or more justices of the peace of the division wherein such person shall reside, upon the oath of one or more credible witness or witnesses, to be a person of evil fame or a reputed thief, such person not being able to give a satisfactory account of himself or herself or of his or her way of living, shall be considered as a person actually chargeable within the true intent and meaning of this Act to the parish in which such person shall reside, and shall be liable to be removed to the parish of his or her last legal settlement by the order of the said justices of the peace, whereof one to be of the quorum, of the division where any such person shall reside.

\* \* \* \* \*

## CHAPTER CII.

AN ACT for the more effectual Prevention of the Use of defective Weights and of false and unequal Balances. [•] [22d June 1795.]

**W**HEREAS by an Act made and passed in the sixteenth year of the reign of King Charles the First it was among other things enacted, that from thenceforth there should be but one weight, according to the standard of the Exchequer, throughout all the realm, as well in places privileged as without, any usage or custom to the contrary notwithstanding: And whereas the said recited Act and the several other laws now in force for the due regulation of weights have been found ineffectual for that purpose, and divers frauds are committed by persons using deficient weights and false or unequal balances, by which the poor in particular are much injured: And whereas it would tend greatly to prevent such pernicious and fraudulent practices if the justices of the peace throughout the several counties of England and Wales, at their respective quarter sessions, were empowered to appoint proper persons to examine the weights and balances throughout the said counties, and to punish such persons as should be found offending in the premises: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for the justices, at every quarter sessions of the peace to be held for any county, riding, liberty, or division in England or Wales, and they are hereby required, to appoint one or more person or persons to examine the weights and balances within their respective counties, ridings, liberties and divisions; such person or persons so to be appointed to be the high constable of a hundred, who shall have the power of examining within his hundred, or the constable and parish officers of a parish, who shall have the like power within his and their parish, or such other fit and proper person or persons as the said justices shall in their discretion think fit, who shall have a power of examining within such district as such justices shall appoint.

Preamble.

16, Cha. 1. c. 19.  
recited.

Quarter sessions to appoint persons to examine weights and balances.

II. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the person and persons so to be appointed as aforesaid, and they are hereby required (having first been sworn duly and faithfully to execute the office in him or them reposed by virtue of such appointment and of this Act, which oath the said justices are hereby authorized and empowered to administer), once in every month at the least, in the day time, to enter into the shop, house, outhouses and other premises near to such shop or house, and into the stall or standing place of every person or persons who shall sell or retail by weight any wares, provisions, goods or chattels whatsoever, and then and there to search for, view and examine all weights and balances in such shop, house, outhouses, premises, stall or standing place, and

Persons so appointed to visit shops, &c. and seize false weights, &c.

[• So much of this Act as requires the justices, at the quarter sessions of the peace, to appoint persons to examine the weights and balances within their respective counties, ridings, liberties and divisions, and which authorizes the persons so appointed to search for and examine all weights and balances and to seize and destroy false or unequal weights or balances, and imposes a penalty on the persons in whose possession the same shall be found, rep., 37 Geo. 3. c. 143. s. 1.]

Penalty for  
having false  
weights, &c.

to seize any weight or weights not being according to the standard in the Exchequer, or any false or unequal balance or balances, which shall upon such search be found, and forthwith to break and destroy the same; and the person or persons in whose shop, house, outhouses, premises, stall or standing place any such weight or weights, balance or balances shall be found shall, upon conviction thereof before one of his Majesty's justices of the peace for the county, riding, division or place where the said offence shall be committed, upon view or confession, or upon the oath of one or more credible witness or witnesses, forfeit and pay such sum of money, not exceeding twenty shillings nor less than five shillings, as the justice before whom such person or persons shall be convicted shall in his discretion order and adjudge, such forfeiture to be levied by warrant under the hand and seal of the said justice, by distress and sale of the goods and chattels of the person or persons so offending, and to be paid to the treasurer of the county, riding or division where the said offence shall be committed, to be by him applied towards the expences of carrying this Act into execution, and the residue (if any) in aid of the general county rate.

Penalty for  
obstructing in-  
spectors or re-  
fusing to pro-  
duce weights,  
&c.

III. AND be it further enacted, that if any person shall wilfully obstruct, hinder, resist or in anywise oppose any of the persons hereby authorized and empowered to view and examine such weights and balances in the execution of his office, or if any person selling or retailing by weight shall refuse to produce his or her weights and balances in order to be viewed and examined, he or she who shall so offend shall for every such offence, on being duly convicted on oath before any one or more justices of the peace, forfeit and pay any sum not exceeding forty shillings nor less than five shillings, as the justice or justices before whom any such offender shall be convicted shall adjudge, and such forfeiture or penalty shall be levied and applied as herein-before directed.

Quarter ses-  
sions to allow  
a recompence  
to the inspec-  
tors out of the  
county rate.

IV. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the justices at their said quarter sessions to allow to such person or persons who shall be appointed to examine weights and balances under this Act a reasonable recompence or satisfaction for their trouble in the execution of the said office, such recompence or satisfaction to be paid to such person or persons out of the general county rate.

Persons pun-  
ished under  
this Act not to  
suffer by any  
other.

V. PROVIDED always, and be it further enacted, that any person or persons convicted of an offence under this Act, and who shall suffer for the same under this Act, shall not be otherwise punished for such offence by virtue of any other law or statute of this realm.

Act not to  
lessen the au-  
thority of  
persons ap-  
pointed at  
courts leet.

VI. PROVIDED also, and be it further enacted, that this Act or any thing herein contained shall not extend or be construed to extend to lessen or prevent the authority which any person or persons, bodies politick or corporate, or any person appointed at any court leet for any hundred or manor, may have or possess for the examining, regulating, seizing, breaking or destroying any weights or balances within their respective jurisdictions, but that he, she and they shall and may have and possess the same power and authority therein as if this Act had not been made.

\* \* \* \* \*

No person to  
be prosecuted  
unless in-

VIII. PROVIDED also, and be it further enacted, that no person or persons shall be prosecuted for any offence against this Act unless information thereof



upon oath shall have been given to some justice of the peace within one month after the offence committed.

formation be  
given within a  
month.

IX. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and be judicially taken notice of as such by all judges, justices or other persons, without the same being specially pleaded or set forth.

Publick Act.

### CHAPTER CXIII.

AN ACT for the more effectual Prevention of selling Ale and other Liquors by Persons not duly licensed. [26th June 1795.]

. . . . . And whereas by reason of many evasions still made use of and of defects in the powers of the laws now in force it is difficult to convict offenders against them: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that . . . . . if any person shall sell ale or beer or any other exciseable liquors by retail, or shall permit or suffer any ale or beer or any other exciseable liquors to be sold by retail in his, her or their house, outhouse or yard, garden, orchard or other place, in that part of Great Britain called England, the dominion of Wales and town of Berwick upon Tweed, without being duly licensed so to do, and shall thereof be duly convicted, every such person so offending shall for every such offence forfeit and pay the sum of twenty pounds, and also the costs and expences attending the conviction, to be levied and recovered as herein is directed, and on and after a second conviction for the like offence shall also be rendered incapable of being thereafter licensed to keep an alehouse or to sell ale or beer or other exciseable liquors by retail.

Persons selling  
or permitting  
to be sold in  
their houses,  
&c. exciseable  
liquors by  
retail without  
licence liable  
to penalty.

II. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any one or more justice or justices of the peace for the time being of the county, riding, division or place where such offence shall be committed, to hear and determine the same in a summary way, which said justice and justices is and are hereby respectively authorized and required, upon information exhibited or complaint made to or before him or them in that behalf, to summon the party or parties accused, and also any person or persons as a witness or witnesses on either side, and upon appearance, or contempt by not appearing, of the party or parties accused, to proceed to hear the matter in a summary way, and also to examine any witness or witnesses on oath and to give judgement therein, and upon proof of the offence, either by confession of the party or parties or upon the oath of one or more credible witness or witnesses, to convict the party or parties so accused or complained against of the offence laid to his, her or their charge; and in case the party or parties so convicted shall not at the time and place of conviction, if present, (or if absent) within the space of three days after notice either personally served upon the party or parties or left for him, her or them at the place where the offence shall have been committed, according to the directions of this Act, pay the penalty or penalties for which he, she or they shall stand convicted, together with the costs and expences attending the same, which said costs and expences shall be ascertained and fixed by the justice or justices convicting

Justices may  
determine  
complaints.

Penalties, if not  
paid, to be  
levied with  
costs by  
distress.

the offender or offenders, that then and in every such case it shall be lawful for such justice or justices, and he and they is and are hereby required, to issue his or their warrant or warrants of distress, empowering the person or persons to whom the same shall be directed to make distress of the goods and chattels of such offender or offenders, wheresoever they shall or may be found within the jurisdiction of the justice or justices convicting such offender or offenders, and also any goods and chattels found or being in the house, outhouse, cellar, vault, storehouse or other place in which such offence shall have been committed, or which shall be found or be in any house, outhouse, cellar, vault or other storehouse belonging to or occupied therewith, or which shall be found or be in any house, outhouse, cellar, vault, storehouse or other place which shall have been entered at the excise office for keeping or laying any beer or ale, cyder or perry therein by or in the name or names of such offender or offenders; and on the goods and chattels so distrained the officer or officers executing such warrant or warrants as aforesaid shall proceed to levy the sum or sums expressed in such warrant or warrants in manner directed in and by an Act made in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled "An Act for the more easy" and effectual proceeding upon distresses to be made by warrants of justices of "the peace;" and all the powers and provisions of the said Act, and also of an Act made in the thirty-third year of the reign of his present Majesty, intituled "An Act to authorize justices of the peace to impose fines upon" constables, overseers and other peace and parish officers for neglect of duty, "and on masters of apprentices for ill usage of such their apprentices, and" also to make provision for the execution of warrants of distress granted by "magistrates," as far as the same relate to the execution of warrants of distress, shall be extended, applied and put in execution, in relation to warrants of distress to be granted by virtue of this Act, as fully and amply as if the same powers and provisions had been severally repeated and re-enacted in this Act.

Officers to execute warrants agreeably to 27 Geo. 2. [c. 20].

The provisions of that Act and of 33 Geo. 3. c. 55. as to execution of warrants to extend to this Act.

Distress may be sold within four days.

Allowance to officers.

Application of penalties.

If sufficient distress can-

III. PROVIDED always, and be it further enacted, that at the request of the owner or owners of the goods so distrained the same may be sold at any time within the four days allowed by the said Act of the twenty-seventh year of his late Majesty.

IV. AND be it further enacted, that there shall be paid and allowed to the officer or officers executing such warrant or warrants of distress, for the safe keeping of the goods and chattels so distrained, for each day such goods and chattels shall be in his or their custody, such sum, not exceeding five shillings per diem, and for any person or persons acting therein in the aid and assistance of such officer or officers such sum, not exceeding two shillings per diem for each such person, as the convicting justice or justices shall allow and direct to be paid, due proof being first made on oath to the satisfaction of such justice or justices that sufficient cause existed for calling in the aid and assistance of such person or persons.

V. AND be it further enacted, that one moiety of the penalty so levied shall be paid to the informer and the other moiety thereof to the use of the poor of the parish, township or place in which the offence shall have been committed, in such manner as the justice or justices as aforesaid shall direct and appoint; and if the person or persons authorized to execute such warrant or warrants,

or any or either of them, shall make a return thereto that no sufficient distress can be found whereon to levy the penalty and costs and charges as aforesaid, then it shall and may be lawful for any justice or justices of any county, riding, division or place within whose jurisdiction the party or parties against whose goods and chattels such warrant of distress shall have been issued shall at any time be found, upon producing to such justice or justices such warrant and return thereof (and if such justice or justices shall be of any other county, riding, division or place, then upon oath made of the handwriting of the justice or justices granting such warrant of distress and of the truth of such return), to commit such offender or offenders to the common gaol or other prison within the limits of his or their jurisdiction for any term not exceeding six calendar months nor less than three calendar months, unless the said penalty or penalties, with the costs, charges and expences of all proceedings attending the conviction and warrant of distress, shall be sooner paid and satisfied.

not be found,  
justices may  
commit the  
offender.

VI. AND whereas many persons do presume to carry on and exercise the trade of alehouse-keeper and victualler and retailer of beer and ale without licence, and to make entry of houses, outhouses, cellars, vaults or storehouses for laying or keeping such beer or ale, by assumed or feigned names, and such beer and ale is frequently retailed in houses, outhouses or other places detached from their place of residence, whereby the purposes of the law have been and still continue to be evaded: Be it further enacted, that in case any summons shall be issued by any justice or justices of the peace for any person or persons to appear and answer to any information or complaint for selling by retail any beer, ale or other exciseable liquors without licence, the directing such summons to such person by the name in which such person shall have entered any house, outhouse, cellar, vault or storehouse for laying or keeping of beer or ale, or in the names by which such person or persons is or are or has or have been usually known, whether the same be the real and proper or the assumed or feigned names of such person or persons, and the leaving such summons at the house, outhouses, cellar, vault or other storehouse or place in which such offence is stated in any information to have been committed, and affixing a copy thereof on the door or other conspicuous part on the outside thereof (such service being proved on oath of the person or persons who shall have so served such summons and so affixed such copy), shall be deemed and is hereby declared to be as legal and effectual a notice or summons to all intents and purposes as if the same was personally given or delivered to or unto the hands of the party or parties to whom the same shall be directed, and as if the same was directed to the party or parties by his, her or their proper and real name or names.

What shall be  
deemed legal  
notice to per-  
sons summon-  
ed to answer  
informations  
for selling  
liquors by  
retail without  
licence.

VII. AND be it further enacted, that every alehouse-keeper, victualler or retailer of beer or ale who shall take or receive into or have in his, her or their custody, possession or power any beer or ale to sell or dispose thereof by retail shall, at least three days before he, she or they shall begin so to sell or dispose of any such ale or beer, make a true and particular entry in writing at the office of excise next to the place where such ale or beer shall be intended to be sold and disposed of, of all and every house, outhouse, cellar, vault, room, storehouse or other place used or to be used for laying or keeping any such beer or ale or for selling the same, and which said entry shall set

Retailers to  
make previous  
entry of all  
places used  
for laying beer,  
&c.

forth the true name or names of the person or persons so making such entry, and shall also express whether the person making the same be an alehouse-keeper, victualler or retailer; and such person or persons shall be deemed to be the occupier or occupiers, proprietor or proprietors, of all and every house, outhouse, cellar, vault, room, storehouse or other place so entered for laying or keeping such ale or beer or for selling the same, so long as such entry shall remain in force or such ale or beer shall be or remain in the custody, possession or power of the person or persons making such entry; and if any person or persons shall, contrary to the directions of this Act, make use of any house, outhouse, cellar, vault, room, storehouse or other place for the laying, keeping or selling of beer or ale to be sold or disposed of by retail without having made such entry as aforesaid, he, she or they shall respectively forfeit for every default or neglect the sum of fifty pounds, to be sued for and recovered, levied, mitigated and distributed in such manner as is directed by any law now in force with regard to penalties and forfeitures on offences against the laws relating to the excise; and all storehouses, cellars, rooms or other places used by any such innkeeper, victualler or other retailer for the purpose of laying or keeping any beer or ale or worts in cask without being so entered shall be deemed and taken to be private and concealed storehouses, cellars or places within the meaning of all, each and every Act and Acts of Parliament now in force in relation to private and concealed storehouses, cellars or places, for the keeping or laying exciseable liquors.

Penalty of 50*l.* for not making entry.

Places not entered to be deemed concealed places.

Beer, &c. and goods and chattels found where any offence is committed, &c. to be liable to distress for penalties and costs.

VIII. AND be it further enacted, that all beer, ale, cyder, perry and other exciseable liquors, together with all other goods and chattels found in every and any house, outhouse, cellar, vault, storehouse or other place where any such offence as aforesaid shall have been committed, or in any house, outhouse, cellar, vault, storehouse or other place belonging thereto or occupied therewith, or which shall have been entered as aforesaid at the excise office, for laying or keeping therein any beer or ale, cyder or perry, by or in the name or names of the person or persons convicted, by whom or by what title or conveyance soever the same may be claimed, shall be liable to such warrant or warrants of distress to satisfy all penalties, costs and charges incurred by any person or persons for any offence or offences committed within or upon the same premises or any part thereof as aforesaid; and it shall be lawful to levy the penalties and costs and charges, and use such proceedings in respect of the same, as it is lawful to do in case the offender or offenders had been truly and really the owner or owners, or proprietor or proprietors of the same.

Persons making entry to be deemed retailers.

Justices may summon excise officers to produce entries and stock books, and may examine them on oath;

IX. AND be it further enacted by the authority aforesaid, that every person who shall make any entry at any office of excise of any house, outhouse, cellar, vault, storehouse or other place for laying or keeping of any beer or ale, or for selling the same therein, as an alehouse-keeper, victualler or retailer, shall be deemed a seller by retail of such liquors to all intents and purposes; and that it shall and may be lawful for any justice of the peace from time to time to summon before him or before any other justice or justices any entry keeper, gauger or other excise officer having the custody of entries made by innkeepers, victuallers and retailers of beer or ale within his division, who shall, when required, produce before such justice or justices all and every entry or entries made at the office

of excise by any person or persons within the division of such officer, and also the stock books or other accounts of survey of such persons respectively; and such justice or justices shall and may examine on oath such officer or officers respecting any such entry or entries of any houses, outhouses, cellars, vaults, storehouses or other places for keeping beer or ale or respecting any stock of any person or persons making such entries; and if it shall appear that any person hath made entry or entries at the office of excise of any house, outhouse, cellar, vault, storehouse or other place for laying or keeping any beer or ale therein, or for selling the same as an alehouse-keeper, victualler or retailer, or if it shall appear that any such person is surveyed as an alehouse-keeper, victualler or retailer, and has not received or is not entitled to receive the abatement of duty allowed to common brewers, then and in such case it shall and may be lawful for such justice or justices to summon before him or them such person or persons, to produce to such justice or justices his, her or their licence or licences to sell beer and ale, and if such person or persons shall not at the return of such summons appear before such justice or justices, or appearing shall not produce to such justice or justices a licence or licences duly obtained and in force, it shall be lawful for such justice or justices (proof being made of due service of such summons according to this Act, in case the party or parties shall not appear) to adjudge the party or parties guilty of selling beer or ale by retail without licence, and the party or parties so adjudged shall be liable to the penalties herein imposed on persons retailing beer or ale without licence.

and may summon retailers to produce licences, and for not producing them may adjudge the defaulters guilty of retailing without licence.

X. AND be it further enacted, that if any person shall be summoned to appear as a witness to give evidence before any justice or justices of the peace touching the matters aforesaid, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his or her neglect or refusal (to be allowed by such justice or justices of the peace), or appearing shall refuse to be examined on oath and give evidence to such justice or justices of the peace before whom the prosecution shall be depending, then that every such person shall forfeit for every such offence the sum of ten pounds, to be levied by warrant of distress; and if no sufficient distress can be found, then the said justice or justices before whom and in whose contempt the offence was committed shall and may commit such offender to the common gaol or other prison within his or their jurisdiction for any term not exceeding the space of six calendar months, unless the penalty shall be sooner paid; and such penalty shall be applied to the use of the poor of the parish, township or place in which such offence shall have been committed, in such manner as the justice or justices so convicting shall direct and appoint.

Penalty of 10*l.* on witnesses not attending summonses, or refusing to give evidence, to be levied by distress, and if sufficient cannot be found the party may be committed.

XI. AND be it further enacted, that if any person or persons whatsoever, after service of any summons to appear and answer to any charge of selling ale or beer or other exciseable liquors without licence, shall convey away any goods or chattels herein-before made liable to any warrant of distress from the house, outhouse, cellar, vault, storehouse or other place wherein such offence shall have been committed, or from any house, outhouse, cellar, vault, storehouse or other place belonging thereto or occupied therewith, or from any house, outhouse, cellar, vault or other storehouse or place which shall

Application of penalty.

Goods liable to distress may be distrained within 30 days wherever found.

Justices may indorse warrants for distraining goods removed into their jurisdictions.

have been entered at the office of excise by or in the name or names of the person or persons convicted for keeping or laying of beer or ale or for selling the same, it shall and may be lawful for the officer to whom such warrant is directed, or other person or persons lawfully empowered or acting in his aid or assistance, within thirty days after such conveying away, to seize the same wherever they may be found, and dispose of them in such manner as if they had been distrained on the premises: Provided always, that if any of the goods or chattels so removed shall be carried into any county, riding, city, liberty or place out of the jurisdiction of the magistrate or magistrates originally issuing such warrant of distress, it shall be lawful for any justice of the peace of any county, riding, city, liberty or place into which such goods or chattels shall be so removed or conveyed, and he is hereby required, on proof on oath of the hand writing of such justice or justices originally signing such warrant, to indorse his name on the back thereof, which shall be sufficient authority to any person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant of distress and to proceed in such manner as if such goods had been found and seized within the jurisdiction of the justice or justices who signed the original warrant.

Appeal may be made to the quarter sessions within a certain time and on certain conditions.

XII. AND be it further enacted, that if any person shall think himself or herself aggrieved by the judgement of any justice or justices of the peace by or before whom he or she shall have been convicted of the offences aforesaid, any and every such person may appeal (and the said justice or justices are required to make known to such person at the time of such conviction his or her right to appeal) from and against such conviction to the next general quarter sessions of the peace to be holden for such county, riding, city, division, liberty or place, unless such sessions shall be holden within six days next after such conviction shall be made, and in such case to the next subsequent sessions to be holden as aforesaid, and not afterwards, such person at the time of such conviction giving to such justice or justices notice in writing of his or her intention to appeal, and also giving security to the satisfaction of such justice or justices for the payment of the penalty, costs and expences aforesaid in case such judgement shall be confirmed on such appeal, and also further entering into a recognizance at the time of such notice, with sufficient sureties, conditioned to try the appeal, and to abide the judgement and pay such costs as shall be awarded by the justices assembled at such sessions; and the justices so assembled shall thereupon proceed to hear and determine the matter of every such appeal, and their judgement thereon shall be final and conclusive to all intents and purposes whatsoever; and in case the justices of the peace so assembled at such sessions shall find and adjudge any such appeal to be frivolous or vexatious, it shall and may be lawful to and for them to give and adjudge to the party or parties grieved by such appeal his, her or their reasonable costs and charges occasioned thereby, not exceeding in the whole the sum of five pounds on any one appeal.

Sessions finally to determine appeals, and may adjudge costs.

Justices may mitigate penalties in case of first offences.

XIV. AND be it further enacted, that if it shall be proved to the satisfaction of the justice or justices before whom any person shall be convicted of any offence against this Act that such person hath not been before convicted of any offence against this Act, it shall be lawful for such justice or justices to

mitigate and lessen the penalty hereby imposed in case of such first offence, but not otherwise, so as that the penalty so mitigated and lessened shall not be less than ten pounds.

\* \* \* \* \*

XVI. PROVIDED always, and it is enacted, that all penalties within this Act shall be sued for and determined within six months after the offences shall be committed.

Penalties to be determined in six months.

XVII. PROVIDED also, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to prohibit any person or persons from selling of any ale or beer in booths or other places at the time and place of holding any lawful and accustomed fair, in like manner as such person or persons was or were authorized to do before the passing of this Act by virtue of any law or statute in that behalf.

Act not to prohibit selling ale or beer at fairs.

## CHAPTER CXXII.

AN ACT to enable his Majesty, under certain Regulations, to erect independent Burghs of Barony in that Part of Great Britain called Scotland, and for removing certain Difficulties as to the granting of Leases in Towns and Villages on the Fishing Coasts of that Kingdom.

[26th June 1795.]

**W**HEREAS doubts have arisen whether by an Act passed in the twentieth year of the reign of his late Majesty King George the Second, for taking away and abolishing the heritable jurisdictions in that part of Great Britain called Scotland, the prerogative of his Majesty to erect free and independent burghs of barony in that part of Great Britain called Scotland was taken away or abolished: And whereas the erection of such independent burghs of barony may be very beneficial for encouraging the erection of villages, which are particularly necessary upon the sea coasts of Scotland, in those places where the fishings are carried on, and which are generally at a great distance from the ordinary courts of law: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, his heirs and successors, to erect such independent burghs of barony in such parts of the sea coasts of Scotland where the fisheries are or shall be carried on, in the usual manner practised before the passing of the said Act of the twentieth of his late Majesty, and that it shall and may be lawful for all persons who are enabled by an Act passed in the twenty-sixth year of the reign of his present Majesty, intituled "An Act for incorporating certain persons by the name and stile of 'The British Society for extending the Fisheries and improving the Sea Coast of this Kingdom,' and to enable them when incorporated to subscribe a joint stock, and therewith to purchase lands and build thereon free towns, villages and fishing stations in the highlands and islands in that part of Great Britain called Scotland, and for other purposes," and who have agreed or shall hereafter agree to sell or feu lands to the said British Society for the purpose of erecting

Preamble.

20 Geo. 2.  
[c. 43.] re-  
cited.

His Majesty may erect independent burghs of barony in certain parts of Scotland, as practised previous to recited Act; and persons selling lands to the society incorporated by 26 Geo. 3. c. 106. may resign them to the barons of Exchequer in Scotland for erecting them into such burghs, &c.

villages and of encouraging the said fisheries, to resign the same into the hands of the said barons of Exchequer in Scotland for a new charter thereof, and for erecting the same into independent burghs of barony, with powers to the inhabitants, or to such descriptions of them as may be described in such charter, to elect a baron baillie or baillies or other magistrate or magistrates annually, in the same manner as such charters were usually made and granted before the passing of the said Act of the twentieth year of his late Majesty, and with such powers and jurisdiction, civil and criminal, to the said magistrate or magistrates as are reserved by the said Act to the magistrates of independent burghs of barony then existing; and it shall be lawful for such persons, after obtaining such charter and infeftment thereon, to grant in feu to the said society such lands, reserving such feu duty as shall be agreed upon, any thing contained in the said Act of the twentieth of his late Majesty to the contrary notwithstanding.

Magistrates within the limits of such burghs to exercise the power of justices concurrently with the county justices.

II. AND be it enacted, that the magistrate or magistrates so elected annually shall within the limits of the said respective burghs of barony have and exercise all the other powers which now belong or which shall hereafter belong to any of his Majesty's justices of the peace in that part of Great Britain called Scotland by virtue of their respective offices, without the qualification in respect to property usually required in the case of other justices of the peace: Provided always, that the justices of the peace of the respective counties within which the said villages lie shall have a concurrent jurisdiction within such villages with such magistrate or magistrates respectively: Provided also, that before any report shall be made to his Majesty in consequence of any reference to the Court of Exchequer in Scotland relating to the granting of such charters or any of them, due notice shall be given to all such persons as in the opinion of such court may be affected by the granting the same, in such manner as the said court shall direct, that they may be heard against the granting such charters respectively, if they shall so think proper.

Previous notice of reports to his Majesty relating to granting charters to be given to parties concerned.

III. AND whereas, for promoting the purposes of the said Act, the said British Society have purchased lands for building villages in several places in the remote parts of Scotland, and have agreed to grant leases renewable for ever to such persons as are inclined to settle there and to build houses, with a view of carrying on the said fisheries: And whereas many of the settlers have not been taught to write, and cannot sign and execute legal and effectual counterparts of such leases otherwise than according to the formalities required by the law of Scotland in the case of persons who cannot write, which are that two notaries publick and four witnesses should be present when such persons do affix their mark to any deed or obligatory writing and should attest the same, and that from the great distance of such places from the residence of any notaries publick great expence and delays have arisen and must arise in signing such leases, which has retarded and must retard the progress of such villages: Be it therefore enacted, that from and after the passing of this Act it shall and may be lawful for such settlers in any of the villages erected or to be erected on any lands purchased by the British Society for the purposes aforesaid to sign with their respective marks if they cannot write, in the presence of the resident minister of the nearest church to such settlement and of two elders of such church, who shall attest

Leases signed by a mark by settlers on lands purchased by the British Society, and witnessed by the minister, &c., valid.



the same, or in the presence of the sheriff substitute, or of any justice of peace of the respective counties, and of two such elders, who shall in like manner attest the same, instead of two notaries and four witnesses; and that all leases so signed by a mark by the said settlers and attested in manner aforesaid shall be as binding and effectual in law as if the same had been signed in the presence of two notaries and four witnesses; and that no objection shall lie against the validity of such leases on account of their being renewable for ever, any law or usage of Scotland to the contrary notwithstanding.

## CHAPTER CXXV.

AN ACT for preventing the Accumulation of Debts by any future Heir Apparent of the Crown, and for regulating the Mode of Expenditure from the Time when a separate Establishment shall be made for such future Heir Apparent. [26th June 1795.]

**W**HEREAS it is expedient to establish a regular course of payment of all Preamble.

just demands which may be hereafter made upon any future heir apparent of the crown for any debt to be incurred, and that the accumulation of debt may be prevented: May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the time that a separate establishment shall be made for any such future heir apparent, the principal officer or officers of such heir apparent shall within fourteen days after such establishment shall be made prepare and make out for the approbation of such heir apparent a plan of his establishment in distinct departments and classes, and in such order as such officer or officers shall think fit and expedient, together with a plan of the salaries and payments of each class and of each individual office therein, and shall also prepare and make out an estimate of the annual expences of each distinct department in such establishment, one copy of which plan and estimate, after being approved of by such heir apparent, shall be forthwith lodged with the commissioners of his Majesty's Treasury, and another in the office of the treasurer or such principal officer or officers for the time being as shall be appointed by such heir apparent, and another with the clerks of the two Houses of Parliament respectively: And that from and after the first quarterly day for the payment of the revenue so established as aforesaid all disbursements which shall be made out of such revenues for any of the purposes aforesaid shall be made by such treasurer or principal officer or officers in the order specified in such plan and estimate, and no other; for which disbursements, to be made in the order so specified, such treasurer or principal officer or officers for the time being shall be responsible and liable to answer the damages to the party grieved: Provided nevertheless, that if it shall at any time be necessary or expedient to alter the said plan of establishment or estimate of expences as aforesaid, it shall and may be lawful for such principal officer or officers, being directed so to do by such heir apparent, to state such alteration as may be thought necessary to be made therein; and if

When a separate establishment shall be made for any future heir apparent, his principal officer to make out a plan of establishment, &c.

All disbursements from the revenues to be made by the treasurer or principal officer, for which he shall be responsible.

Plan may be altered.

the same shall be approved of by such heir apparent, such alteration so made in such plan of establishment or estimate of expences shall be lodged as is herein-before mentioned; and that upon any encrease being made to the said separate establishment of such heir apparent the said treasurer or principal officer shall prepare and make out for the approbation of such heir apparent a new plan and estimate in manner herein-before directed, and the several clauses and provisions herein contained shall from thenceforth apply to such new plan and estimate.

Treasurer, &c.  
to cause  
payments to be  
entered in  
a book, which  
the Commis-  
sioners of the  
Treasury are to  
inspect.

II. AND be it further enacted, that such treasurer or principal officer or officers for the time being shall cause a book or books to be kept, in which all payments for any of the purposes aforesaid shall be duly entered in the order and course of payment, with the day, month and year of paying the same; and it shall be lawful for the commissioners of his Majesty's Treasury for the time being from time to time (and they are hereby required so to do once at least in every year) to demand an inspection of such book or books, or any copy or copies of the same or any part thereof, and the said treasurer or principal officer or officers is and are hereby required to pay obedience to the orders of the said commissioners for that purpose.

Treasurer,  
&c. to  
cause account  
of expences to  
be made out  
quarterly,  
which he is to  
examine and  
sign.

III. AND be it further enacted, that such treasurer or principal officer or officers for the time being shall within fourteen days after the expiration of every quarter of a year cause to be prepared and made out a just and exact account of all the expences incurred within the preceding quarter of a year, and every such account shall contain and set forth the several sums paid, and the several demands made and then outstanding, on account of the expences of each department within the said quarter; and the said treasurer or principal officer or officers shall and he or they is and are hereby required to examine and audit the said accounts with the vouchers relative to the same, and to sign his or their approbation of the same or of such part or parts thereof as he or they shall approve; provided that the amount thereof shall not be disproportionate to or exceed the respective plans and estimates as herein before is directed.

Treasurer, &c.  
may, under  
warrant, pay  
the sums  
specified in  
quarterly ac-  
counts.

IV. AND be it further enacted, that upon the settlement of such quarterly account as aforesaid it shall be lawful for the said treasurer or principal officer or officers, being thereunto authorized by warrant or warrants under the privy seal of such heir apparent, to pay, in the order and course settled as aforesaid, the sums of money specified in such accounts as the quarterly expence incurred as aforesaid, to the respective persons to whom such heir apparent shall be debited in such account, and the said treasurer or principal officer or officers shall pay the same accordingly.

How arrears at  
the end of  
quarters shall  
be discharged.

V. AND be it further enacted, that if any deficiency shall arise in the revenues of such heir apparent at the end of any quarter of a year, so as to create an arrear in the payment of any claims made against such heir apparent and allowed as aforesaid, such arrears shall be carried to the account of the next quarter, and (except in the case where any arrears of a preceding quarter shall likewise be carried to the same account) shall be placed therein first in order of payment, and shall be paid first in order out of the first monies payable on account of the next succeeding quarter: Provided always, that no arrear of any of the salaries or allowances made or to be made by such heir apparent to any officer or officers whose duty it may

be to carry this Act into execution, or who may be concerned in the execution of the same, shall be carried on beyond the term of one quarter after the quarter in which the same shall have become due, and that no arrears of any sort shall on any account or under any pretence be carried on for more than two quarters of a year after the quarter when the same shall accrue due, and that if it shall happen that any arrears shall have been carried on for two quarters of a year the same shall be discharged and paid out of the sum due and payable in the quarter to which such arrear shall be carried, in preference to the arrear of the preceding quarter, and in preference to all demands that shall accrue in the quarter to which such arrear shall be so carried; and it shall not be lawful for any officer or officers of such heir apparent to audit, allow or settle any account for the quarter to which such arrears of two quarters shall be carried, or to issue any sum or sums of money for the payment or satisfaction of the claims of the quarter to which such arrear shall be carried, until the said arrears shall be fully paid and satisfied: Provided also, that in case at the end of any quarter there shall be carried to the account of the same the arrears of two quarters preceding, the arrears of the quarter immediately preceding shall be placed second in the order of payment, and shall be paid second in order next and immediately after the payment of the arrears of the quarter next but one preceding.

VI. AND be it further enacted, that if at the end of any quarter of a year any surplus shall remain of the said revenue after paying and satisfying all debts and demands accrued during such quarter and all arrears of former quarters in each department, such surplus shall and may be paid over to the privy purse of such heir apparent.

Surplus at the end of quarters to be paid to the heir apparent.

VII. AND be it further enacted, that every creditor of such heir apparent whose demand shall accrue after the first quarterly day for the payment of the said revenue shall deliver into the office of the treasurer or principal officer or officers of such heir apparent for the time being a particular in writing containing the nature and amount of such demand, and signed by him or her, within ten days after the expiration of the quarter of a year in which such demand shall accrue, in order that the same may be included in the preceding quarterly account, to be audited as aforesaid; and it shall not be lawful for such treasurer or principal officer or officers to include in any such account, to be audited as aforesaid, or to allow, any debt or demand, of what nature or kind soever, which shall not have wholly accrued within the quarter of a year preceding such audit, other than the arrears of such preceding quarters as aforesaid, or which shall not be presented to such proper officer within the time herein-before limited and according to the directions of this Act; nor shall such treasurer or principal officer or officers, under any pretence or colour of authority whatever, issue or cause to be issued any sum of money for the purpose of paying, satisfying or discharging any debt or demand or any part thereof which shall not have accrued and be claimed as aforesaid; and if any person or persons who shall have or claim to have any debt or demand against such heir apparent, on any account whatever, shall not, after the first quarterly day for the payment of such revenue, deliver a particular in writing of the said debt or demand to such proper officer within ten days after the expiration of the quarter of a year in which such debt or demand was incurred, every such debt or demand shall be barred

Demands which shall accrue after the first quarterly day of payment to be delivered within 10 days after the expiration of the quarter in which they accrued.

No demand to be included in account, nor any paid, but what has accrued within the quarter preceding the audit, except aforesaid arrears, &c.

Demands not delivered within limited time to be barred, and securities for such debts void.

Officer neglect-  
ing to insert  
demands in  
quarterly ac-  
counts liable  
to payment of  
them.

No action to be  
brought against  
heir apparent  
for any debt  
which shall ac-  
cruce after the  
first quarterly  
day of pay-  
ment.

For demands  
delivered in  
time limited,  
creditors may  
sue within  
three months  
after delivery.

Treasurer to be  
made defen-  
dant.

Judgement to  
be a charge  
upon the heir  
apparent's  
funds, &c. ;

and to be  
entered in the  
treasurer's  
office.

both at law and in equity ; and all bonds, bills, notes or other securities for money given or made in consideration of any debt or demand, whereof the particulars in writing shall not be delivered according to the directions of this Act, shall be null and void to all intents and purposes ; and that if any officer of or person employed by such heir apparent, to whom the particulars of such debts or demands shall be delivered according to the directions of this Act, shall neglect or refuse to insert the same in his account of the quarterly expences incurred in the manner before directed, every such officer shall be liable to pay the amount thereof in damages to the party grieved.

VIII. AND be it further enacted, that no action or suit, either at law or in equity, shall be brought, commenced or prosecuted by any creditor against such heir apparent in his own name as a party, for the recovery of any debt or demand whatsoever due or claimed to be due from such heir apparent which shall accrue after the said first quarterly day for the payment of such revenue, nor upon any bond, bill or note, nor upon any security given for the securing any debt or demand due from such heir apparent, but that all proceedings in any such action or suit shall be null and void to all intents and purposes.

IX. AND in order that due provision may be made for the recovery of the just debts of such heir apparent, be it further enacted, that in all cases where a demand shall be made or a debt shall be claimed, which demand or debt shall have wholly accrued after the said first quarterly day for the payment of such revenue, and within the quarter preceding such claim or demand, and the particulars thereof shall have been delivered to such proper officer within the time herein-before limited, and the same shall not be paid, it shall be lawful for the creditor or creditors, at any time within three calendar months after delivery of such particulars but not afterwards, to sue and prosecute for the recovery of such debt or demand, in which action or suit the treasurer or other principal officer or officers of such heir apparent to whom the particulars of the demand shall have been delivered shall be made defendant, and the like proceedings shall be had in such action or suit as if the treasurer or other principal officer or officers for the time being were the real party therein, save and except that, notwithstanding the plaintiff may obtain judgement, no execution shall issue against the person of the treasurer or other principal officer or officers for the time being, nor against his or their proper effects, but the judgement shall be a charge upon the funds of such heir apparent which shall be in or come into the hands of such treasurer or other principal officer or officers within two quarters after the quarter in which the debt or debts, for which such action shall have been brought and judgement obtained, shall have accrued ; and such funds, whenever the same shall be in the hands of such treasurer or other principal officer or officers, shall be liable to the payment of the debt or damages and costs recovered in such action or suit, in preference to all debts and demands, except such as shall have arisen in consequence of any prior judgement which shall have been obtained as is herein-before directed ; and a note or docket of every judgement so obtained as aforesaid shall be entered by the creditor obtaining the said judgement in the office of the treasurer or other principal officer or officers of such heir apparent within ten days after signing the same, in order to entitle him to the benefit of this Act.

X. AND be it further enacted, that if any officer of the establishment of such heir apparent, or other person intrusted with the management of such revenues, shall neglect or refuse to prepare, make up or transmit any account or accounts, or to audit and investigate the same, or to pay and apply the monies in his hands for that purpose in the order and course to be settled and established by virtue of this Act, or shall divert or misapply the same or any part thereof contrary to the directions of this Act, or shall wilfully omit to insert in his quarterly account the claim or claims of any creditor or creditors delivered within the time allowed by this Act, or shall wilfully prepare, make up or transmit any false account, every such officer or other person so offending against this Act in any of the particulars before mentioned shall be liable to pay damages to the party grieved; and that all penalties and damages incurred by any person or persons by virtue of this Act shall and may be sued for, prosecuted and recovered by action of debt or on the case in any of his Majesty's courts at Westminster, with full costs of suit, in which no essoin, protection, wager of law or more than one imparlance shall be allowed.

Officer neglecting to prepare accounts, or to apply monies as settled by this Act, or misapplying monies, &c., liable to damages, which may be sued for in any court at Westminster.

### 36 GEORGE III. A.D. 1795-6.

STATUTES MADE AT THE PARLIAMENT  
 BEGUN AND HOLDEN AT WESTMINSTER, THE TWENTY-FIFTH DAY OF NOVEMBER,  
 A.D. 1790,  
 IN THE THIRTY-FIRST YEAR OF THE REIGN OF  
 KING GEORGE THE THIRD,  
 AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
 TWENTY-NINTH DAY OF OCTOBER, A.D. 1795,  
 BEING THE SIXTH SESSION OF THE SEVENTEENTH PARLIAMENT OF  
 GREAT BRITAIN.

#### CHAPTER VII.

AN ACT for the Safety and Preservation of his Majesty's Person and Government against treasonable and seditious Practices and Attempts.

[18th December 1795.]

**WE**, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, of Great Britain, in this present Parliament assembled, duly considering the daring outrages offered to your Majesty's most sacred person in your passage to and from your Parliament at the opening of this present session, and also the continued attempts of wicked and evil disposed persons to disturb the tranquillity of this your Majesty's kingdom, particularly by the multitude of seditious pamphlets and speeches daily printed, published and dispersed with unremitting industry and with a transcendent boldness, in contempt of your Majesty's royal person and dignity, and tending to the overthrow of the laws, government and happy constitution of these realms, have judged that it is become necessary to provide a further remedy against all such treasonable and seditious practices and attempts: We therefore, calling to mind the good and wholesome provisions which have

Preamble.

Persons who shall compass, advise, &c. the death, restraint, &c. of his Majesty or his heirs, to be deemed traitors.

at different times been made by the wisdom of Parliament for the averting such dangers, and more especially for the security and preservation of the persons of the sovereigns of these realms, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons whatsoever after the day of the passing of this Act, during the natural life of our most gracious sovereign lord the King (whom Almighty God preserve and bless with a long and prosperous reign), and until the end of the next session of Parliament after a demise of the Crown, shall, within the realm or without, compass, imagine, invent, devise or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint, of the person of the same our sovereign lord the King, his heirs and successors, . . . . . and such compassings, imaginations, inventions, devices or intentions, or any of them, shall express, utter or declare, by publishing any printing or writing, or by any overt act or deed, being legally convicted thereof upon the oaths of two lawful and credible witnesses upon trial, or otherwise convicted or attainted by due course of law, then every such person and persons so as aforesaid offending shall be deemed, declared and adjudged to be a traitor and traitors, and shall suffer pains of death, and also lose and forfeit as in cases of high treason.

\* \* \* \* \*

Persons accused of treason to be entitled to benefit of 7 & 8 Will. 3. c. 3. and 7 Ann., c. 21.

V. PROVIDED always, and be it further enacted, that all and every person or persons that shall at any time be accused or indicted or prosecuted for any offence made or declared to be treason by this Act shall be entitled to the benefit of the Act of Parliament made in the seventh year of his late Majesty King William the Third, intituled "An Act for regulating of trials " in cases of treason and misprision of treason," and also to the provisions made by another Act of Parliament passed in the seventh year of her late Majesty Queen Anne, intituled "An Act for improving the union of the " two kingdoms."

Act not to prevent prosecution at common law.

VI. PROVIDED also, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to prevent or affect any prosecution by information or indictment at the common law for any offence within the provisions of this Act, unless the party shall have been first prosecuted under this Act.

## CHAPTER IX.

AN ACT to prevent Obstructions to the free Passage of Grain within the Kingdom. [18th December 1795.]

Preamble.

WHEREAS divers persons have assembled themselves in great numbers and committed great violences with intent to hinder the passage of corn and grain from place to place, whereby the necessary circulation of corn

[\* So much of this Act as relates to any person who shall beat, wound or use any other violence to any person or driver, and as makes any second offence felony, rep., as to England, 9 Geo. 4. c. 31. s. 1.]

and grain within the kingdom may be prevented: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons shall from and after the passing of this Act wilfully and maliciously beat, wound or use any other violence to or upon any person or persons with intent to deter or hinder him or them from buying of corn or grain in any market or other place within this kingdom, or shall unlawfully stop or seize any wheat, flour, meal, malt or other grain in or on the way to or from any city, market town, or place in this kingdom, or shall wilfully and maliciously break, cut or destroy any waggon, cart or other carriage wherein any such wheat, flour, meal, malt or other grain shall be loaded, or the harness of any horse or horses drawing or carrying the same, or shall unlawfully take off from any such carriage, or drive away, kill or wound any such horse or horses, or unlawfully beat or wound the driver or drivers of any such waggon, cart or other carriage or horse so loaded, with intent to stop such wheat, flour, meal, malt or other grain, or shall, by cutting of the sacks or otherwise, scatter or throw abroad any such wheat, flour, meal, malt or other grain, or shall take or carry away, destroy, spoil or damage the same or any part thereof, every and all such person or persons, being thereof lawfully convicted before any two or more justices of the peace of the county, shire, stewartry, riding, division, town or place corporate wherein such offence or offences shall be committed, or before the justices of the peace in open sessions (who are hereby authorized and empowered, summarily and finally, to hear and determine the same), shall be sent to the common gaol or house of correction, there to continue and be kept to hard labour for any time not exceeding the space of three months nor less than one month.

Persons hindering the buying of corn or seizing it on its passage, &c. to be committed to hard labour for a limited time.

II. AND be it further enacted by the authority aforesaid, that if any such person or persons so convicted shall commit any of the offences aforesaid a second time, or if, from and after the passing of this Act, any person or persons, with intent to prevent or hinder any corn, meal, flour, malt or grain from being lawfully carried or removed from any place whatsoever, shall wilfully and maliciously pull, throw down or otherwise destroy any storehouse or granary or other place in which corn, meal, flour, malt or grain shall be then kept, or shall unlawfully enter any such storehouse, granary or other place and take and carry away any corn, flour, meal, malt or grain therefrom, or shall throw abroad or spoil the same or any part thereof, or shall unlawfully enter on board any ship, barge, boat or vessel and wilfully and maliciously take and carry away, cast or throw out therefrom or otherwise spoil or damage any corn, flour, meal, malt or grain therein, every person so offending and being thereof lawfully convicted shall be adjudged guilty of felony, and shall be transported for the space of seven years, in like manner as other felons are directed to be transported by the laws and statutes of this realm; and if any such offender so transported shall return into this kingdom before the expiration of the said seven years, he or she shall suffer death as a felon, without benefit of clergy: Provided always, that no attainder for any offence made felony by virtue of this Act shall make or work any corruption of blood, loss of dower or disinheritance of heir or heirs.

Persons convicted of such offences a second time, or destroying storehouses, or carrying corn therefrom, &c., to be transported for seven years, &c.

\* \* \* \* \*

Act not to  
abridge any  
law for the  
punishment or  
suppression of  
offences men-  
tioned herein.

VI. PROVIDED always, and be it further enacted, that nothing in this Act contained shall be deemed or taken to abridge or take away any provision already made by the law of this realm, or any part thereof, for the suppression or punishment of any offence whatsoever mentioned or described in this Act: Provided also, that no person who shall be punished by virtue of this Act shall be punished for the same offence by virtue of any other law or statute whatsoever.

## CHAPTER X.

AN ACT for the better Relief of the Poor within the several Hundreds, Towns and Districts in that Part of Great Britain called England, incorporated by divers Acts of Parliament for the Purpose of the better Maintenance and Employment of the Poor; and for enlarging the Powers of the Guardians of the Poor within the said several Hundreds, Towns and Districts, as to the Assessments to be made upon the several Parishes, Hamlets and Places within their respective Hundreds, Towns and Districts, for the Support and Maintenance of the Poor. [18th December 1795.]

Preamble.

**W**HEREAS several Acts of Parliament have of late years been made and passed for the better relief and employment of the poor in particular incorporated hundreds, towns and districts within that part of Great Britain called England: And whereas certain persons described and appointed by the said several Acts are thereby empowered to assess the several parishes, hamlets and places, chargeable to the poors rate within the said several hundreds, towns or districts respectively, in such sums of money as they shall think necessary for defraying the expences of supporting and maintaining the poor within their respective hundreds, towns and districts, and for other the purposes of the said Acts, but such sums of money for which such assessments are to be made are by the said several Acts of Parliament limited so as that they may not exceed a certain sum in any one year, which sum was calculated upon an average of the amount of the poors rates in each parish respectively for a certain number of years previous to the passing of the respective incorporating Acts: And whereas by reason of the late very great increase of the price of corn and other necessary articles of life the amount of the rates and assessments so limited by the said several Acts of Parliament are become insufficient for the necessary relief and maintenance of the poor, who have also of late greatly increased in number: And whereas in many incorporated hundreds, towns and districts, the expence of maintaining the poor since the first day of January one thousand seven hundred and ninety-five has exceeded the whole amount of the rates which could be raised in the present year within those hundreds, towns and districts, under their respective incorporating Acts, whereby considerable debts have on that account been incurred by the guardians of the poor of those hundreds, towns and districts; and it is therefore become necessary and expedient that the powers of the several persons to whom is committed by the said several Acts of Parliament the duty of appointing the sums to be assessed on the several parishes, hamlets and places, within their respective hundreds, towns and districts, should be enlarged: May it therefore please your Majesty that it may be enacted, and



be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the directors and acting guardians of the poor within any hundred, town or district, in that part of Great Britain called England, incorporated by any Act of Parliament for the relief or maintenance and employment of the poor, or for any other persons, by whatsoever name they are called or described, to whom is given by any such incorporating Act the power of appointing the sum or sums to be assessed on the several parishes, hamlets or places, within their respective hundreds, towns or districts, for the maintenance of the poor, and other the purposes of such Act, at any of their annual, quarterly or other general meetings, whenever the average price of wheat at the corn market in Mark Lane, London, for the quarter immediately preceding such annual, quarterly or other general meeting, shall have exceeded the average price of wheat at the same market during those years from which the average amount of the poors rates was taken upon the passing of the several incorporating Acts respectively, to assess the several parishes, hamlets and places, within their respective hundreds, towns or districts, which now are or usually have been charged to the poors rates, in such respective sums of money as the said directors and acting guardians or such other persons as aforesaid shall think necessary for defraying the expences attending the support and maintenance of the poor for the current quarter, and for paying the interest of the money borrowed and due by virtue of the said respective Acts, and of any debts which may have been incurred since the first day of January one thousand seven hundred and ninety-five in the maintenance of the poor, and for other the purposes of the said Acts, notwithstanding such sums of money so to be assessed should exceed the amount of the assessments limited by such respective Acts of Parliament to be assessed on the respective parishes, hamlets and places, within such incorporated hundreds, towns or districts, in any one year: Provided always, that the sums to be assessed and the assessments to be made by virtue of this Act in each respective incorporated hundred, town or district, shall be assessed, made, collected and paid in the same manner, and subject to the same restrictions, regulations, limitations and powers of appeal, and with the like powers and remedies for compelling payment thereof, as the sums to be assessed and the assessments to be made by virtue of the several incorporating Acts are by those respective Acts directed to be assessed, collected and made within the several hundreds, towns and districts, respectively incorporated by those Acts: Provided also, that the sums to be assessed by virtue of this Act upon any parish, hamlet or place, shall be in the same rates and proportions as the assessments which have hitherto been made and levied by virtue of the said Act or Acts incorporating the several hundreds, towns or districts, in which such parishes, hamlets or places, are respectively situated: . . . . .

Directors and acting guardians of the poor incorporated by Acts of Parliament may in certain cases make such assessments as may be necessary for the support and maintenance of the poor, &c., notwithstanding they may exceed the assessments limited by the respective Acts.

Assessments by virtue of this Act to be made, &c. as those under the incorporating Acts.

## CHAPTER LII.

AN ACT for repealing certain Duties on Legacies and Shares of Personal Estates, and for granting other Duties thereon in certain Cases.

[26th April 1796.]

New duties.

II. AND be it further enacted, that upon every legacy, specifick or pecuniary, or of any other description, of the amount or value of twenty pounds or more, given by any will or testamentary instrument of any person who shall die after the passing of this Act, out of the personal estate of the person so dying, and also upon the clear residue and upon every part of the clear residue of the personal estate of every person who shall so die, whether testate or intestate, and leave personal estate of the clear value of one hundred pounds or upwards, which shall remain after deducting debts, funeral expences and other charges and specifick and pecuniary legacies (if any), whether the title to such residue or to any part thereof shall accrue by virtue of any testamentary disposition or upon intestacy, there shall be raised, levied, collected and paid unto and for the use of his Majesty, his heirs and successors, the several duties after the rates and in manner following, . . . . .

Duties to be under the management of the commissioners for stamps.

III. AND be it further enacted, that the said duties shall be under the care, management and direction of the commissioners for the time being appointed to manage the duties on stamped vellum, parchment and paper; who, or the major part of them, are hereby empowered and required to employ the necessary officers under them for that purpose, and to cause four new stamps to be provided to denote the several rates of duty hereby imposed; [Virt. rep.] . . . . .

Commissioners to appoint receivers of the duties, and to keep accounts, showing the personal estates in respect of which the duties have been paid.

IV. AND be it further enacted, that the said commissioners shall, by writing under their hands and seals or the hands and seals of the major part of them, appoint proper persons in the several counties, shires, stewartries, ridings and divisions in Great Britain, as occasion shall require, to collect and receive the duties hereby imposed, and to keep proper accounts thereof, to be transmitted to the head office of the said commissioners; and upon payment of any such duty, if paid at the head office of the said commissioners, the said commissioners shall cause the same to be duly entered in their books, and to be set down therein to the account of the personal estate in respect whereof the said duty shall be paid, and shall make like entries in their books upon transmission of the proper accounts for that purpose from the several officers to be appointed by the said commissioners in the different counties, shires, stewartries, ridings and divisions aforesaid, to whom they shall from time to time give proper orders for such purpose; and the accounts of such payments shall be kept with proper references in alphabetical order according to the surname of the testator, testatrix or intestate in respect of whose personal estate such payments shall have been made respectively, so that it may at all times appear upon the books of the said commissioners what payments have been made in respect of the personal estate of any testator, testatrix or intestate.

Commissioners may provide printed receipts, which may be used, or others of the like forms.

V. AND in order that all persons may be enabled to take receipts and discharges on the payment or satisfaction of any legacy or residue of any personal estate or any part thereof according to the directions prescribed by this Act, be it further enacted, that it shall be lawful for the said commissioners of stamp duties from time to time to provide sufficient quantities of paper adapted for such receipts or discharges as aforesaid, and to cause to be printed thereon the form of words in the schedule hereunto annexed; and it shall also be lawful for any of his Majesty's subjects requiring such receipts or discharges to cause the same to be duly filled up with sums, names and date according to the provisions before-mentioned, and also upon any vellum or parchment or upon any other paper not provided by the said commissioners to use the like form whenever there shall be occasion.

VI. AND be it further enacted, that the duties hereby imposed shall, in all cases in which it is not hereby otherwise provided, be accounted for, answered and paid by the person or persons having or taking the burthen of the execution of the will or other testamentary instrument, or the administration of the personal estate of any person deceased, upon retainer for his, her or their own benefit, or for the benefit of any other person or persons, of any legacy or any part of any legacy, or of the residue of any personal estate or any part of such residue, which he, she or they shall be entitled so to retain either in his, her or their own right, or in the right or for the benefit of any other person or persons, and also upon delivery, payment or other satisfaction or discharge whatsoever of any legacy or any part of any legacy, or of the residue of any personal estate or any part of such residue, to which any other person or persons shall be entitled; and in case any person or persons having or taking the burthen of such execution or administration as aforesaid shall retain for his, her or their own benefit, or for the benefit of any other person or persons, any legacy or any part of any legacy, or the residue of any personal estate or any part of such residue, which such person or persons shall be entitled so to retain, either in his, her or their own right, or in the right or for the benefit of any other person or persons, and upon which any duty shall be chargeable by virtue of this Act, not having first paid such duty, or shall deliver, pay or otherwise howsoever satisfy or discharge any legacy or any part of any legacy, or the residue of any personal estate or any part thereof, to which any other person or persons shall be entitled, and upon which any duty shall be chargeable by virtue of this Act, having received or deducted the duty so chargeable, then and in every of such cases the duty which shall be due and payable upon every such legacy and part of legacy and residue and part of residue respectively, and which shall not have been duly paid and satisfied to his Majesty, his heirs and successors, according to the provisions of this Act, shall be a debt of such person or persons having or taking the burthen of such execution or administration as aforesaid to his Majesty, his heirs and successors; and in case any such person or persons so having or taking the burthen of such execution or administration as aforesaid shall deliver, pay or otherwise howsoever satisfy or discharge any such legacy or residue or any part of any such legacy or residue, to or for the benefit of any person or persons entitled thereto, without having received or deducted the duty chargeable thereon (such duty not having been first duly paid to his Majesty, his heirs or successors, according to the provisions herein contained), then and in every such case such duty shall be a debt to his Majesty, his heirs and successors, both of the person or persons who shall make such delivery, payment, satisfaction or discharge, and of the person or persons to whom the same shall be made.

Duties to be paid by executors or administrators on retaining or paying legacies or residue.

If executors, &c. retain legacies, &c. without paying the duty, or on payment of legacies, &c. deduct but do not pay the duty, it shall be a debt from them to his Majesty; and if they pay legacies, &c. without deducting the duty, it shall be a debt from them and from the persons to whom the legacies, &c. are paid.

VIII. AND be it further enacted, that the value of any legacy given by way of annuity, whether payable annually or otherwise, for any life or lives or for years determinable on any life or lives, or for years or other period of time, shall be calculated and the duty chargeable thereon shall be charged according to the tables in the schedule hereunto annexed [A], and the duty chargeable

The value of annuities, and the duty thereon, to be calculated according to the annexed tables, and the

[A] These tables are, except as regards annuities the duty on which became payable on or before the 19th May 1853, rep., Stat. Law Rev. Act, 1871.]

duty paid by  
instalments,  
&c.

on such annuity shall be paid by four equal payments, the first of which payments of duty shall be made before or on completing the payment of the first year's annuity, and the three others of such payments of duty shall be made in like manner successively before or on completing the respective payments of the three succeeding years annuity respectively; and the value of any such annuity, if determinable upon any contingency besides the death of any person or persons, shall be calculated without regard to such contingency: Provided always, that if any such annuity shall determine by the death of any person before four years payment of such annuity shall become due and payable, then and in such case the duty shall be payable in proportion only to so many of the payments of the said annuity as actually accrued and became due and payable; and in case any such annuity shall at any time determine upon any other contingency than the death of any person or persons, then and in such case not only all payments of duty which would otherwise become due after the happening of such contingency, if any such would become due, shall cease, but it shall be lawful for the person or persons who shall have paid any duties which shall have previously become due to apply for and obtain a return of so much of the duty so paid as will reduce the same to the like duty as would have been payable by such person or persons for such annuity, calculated according to the term for which the same shall have endured, which abatement the said commissioners for management of the stamp duties shall settle and determine according to the tables in the schedule hereunto annexed, and shall cause the amount of such abatement to be paid to the person or persons entitled to the same out of any monies in their hands arising from the duties imposed by this Act.

The value of  
annuities  
payable out  
of legacies,  
and the duty  
thereon, to be  
similarly  
calculated;  
and the duty  
on the legacies  
to be calculated  
on the value  
of such legacies  
after deducting  
such annuities,  
&c.

IX. AND be it further enacted, that the value of any legacy given by way of annuity for any life or lives, or for years determinable on any life or lives, or for years or other period of time, and charged on and made payable out of any other legacy or legacies, shall be calculated, and the duty shall be charged thereon, in the same manner as herein-before directed with respect to other annuities; and the duty on the legacy charged with such annuity, if any duty shall be payable for such legacy, shall be calculated on the value of such legacy after deducting the value of such annuity; and the duty for such annuity shall be paid by the person or persons entitled to the legacy or legacies charged with such annuity by four equal payments, in the same manner as the same would be payable according to the provisions herein-before contained; if such annuity had been a direct gift to the annuitant, and subject to the like proviso in case such annuity shall determine before four years payment shall become due; and the payment which shall be made for such duty shall be retained by the person or persons paying the same out of the first four years payments of such annuity, if so many shall become due, or out of so many of such payments as shall become due by equal portions.

Duty on le-  
gacies given  
by direction  
to purchase  
annuities to  
be calculated  
on the sums  
necessary to  
purchase them;

X. AND be it further enacted, that the duty payable upon any legacy given by direction to purchase with any personal estate of the testator or testatrix, or any part thereof, an annuity of a certain amount for the life or lives of any person or persons, or any other term, shall be calculated upon the sum necessary to purchase such annuity according to the tables before-mentioned, and shall be deducted from such sum and paid as in the case of other pecuniary legacies; and the person or persons paying or satisfying such

legacy, and the person or persons for whose benefit the same shall be paid or satisfied, shall be discharged by payment of such duty so calculated as aforesaid from all other demands in respect of the duty payable on such legacy; and the annuity to be purchased for the benefit of the person or persons entitled to the benefit of such legacy shall be reduced in proportion to the amount of the duty payable thereon as aforesaid, such reduction to be calculated in the same manner as the duty so payable is herein-before directed to be calculated; and the purchase of such reduced annuity, together with the payment of such duty, shall satisfy and discharge such legacy as fully as if an annuity had been purchased equal in amount to the annuity so directed to be purchased.

and the annuities purchased to be reduced in proportion to the duty payable.

XI. AND be it further enacted, that if any benefit shall be given by any will or testamentary instrument in such terms that the amount or value of such benefit can only be ascertained from time to time by the actual application for that purpose of the fund allotted for such purpose or made chargeable therewith, or if the amount or value of any benefit given by any will or testamentary instrument cannot by reason of the form and manner of the gift be so ascertained that the duty can be charged thereon under any other of the directions herein contained, then and in every such case such duty shall be charged upon the several sums of money or effects which shall be applied from time to time for the purposes directed by such will or testamentary instrument as separate and distinct legacies or bequests, and shall be paid out of the fund applicable for such purposes or charged with answering the same.

Where value of testamentary benefit can only be ascertained by application of the allotted fund, &c., duty to be charged on the money as applied.

XII. AND be it further enacted, that the duty payable on a legacy or residue or part of residue of any personal estate given to or for the benefit of or so that the same shall be enjoyed by different persons in succession, who shall be chargeable with the duties hereby imposed at one and the same rate, shall be charged upon and paid out of the legacy or residue or part of residue so given, as in the case of a legacy to one person; and where any legacy or residue or part of residue shall be given to or for the benefit of or so that the same shall be enjoyed by different persons in succession, some or one of whom shall be chargeable with no duty, or some of whom shall be chargeable with different rates of duty, so that one rate of duty cannot be immediately charged thereon, all persons who under or in consequence of any such bequest shall be entitled for life only, or any other temporary interest, shall be chargeable with the duty in respect of such bequest in the same manner as if the annual produce thereof had been given by way of annuity; and such persons respectively shall be so chargeable with such duty, and the same shall be payable, when they shall respectively become entitled to and begin to receive such produce, and shall be paid by equal portions during the aforesaid term of four years, if they shall so long continue to receive such produce; and where any other partial interest shall be given or shall arise out of such property so to be enjoyed in succession, the duty on such partial interest shall be charged and paid in the same manner as the duty is herein-before directed to be charged and paid in like cases of partial interests charged on any property given otherwise than to different persons in succession; and all and every person and persons who shall become absolutely entitled to any such legacy or residue or part of residue so to be enjoyed in succession shall, when and as such person or persons respectively shall receive the same or

How duty on legacies, &c. enjoyed by persons in succession, or having partial interests therein, shall be charged;

begin to enjoy the benefit thereof, be chargeable with and pay the duty for the same or such part thereof as shall be so received or of which the benefit shall be so enjoyed, in the same manner as if the same had come to such person or persons immediately on the death of the person by whom such property shall have been given to be enjoyed or in such manner that the same shall be enjoyed in succession.

and by whom  
it shall be  
payable.

XIII. AND be it further enacted, that the duty payable on any legacy or residue or part of residue so given to or so to be enjoyed by different persons in succession, upon whom the duty shall be chargeable at one and the same rate, shall be deducted and paid by the person or persons having or taking the burthen of the execution of the will or testamentary instrument under which the title thereto shall arise, upon payment or other satisfaction or discharge of every or any part of such legacy or residue or part of residue to any trustee or trustees or other person or persons to whom the same shall be payable or paid in trust or for the benefit of the persons so entitled thereto in succession ; and if the same shall not be so paid or satisfied to any such trustee or trustees, then such duty shall be deducted and paid out of the capital of the property so given, upon receipt by any of the persons so entitled in succession of any produce of such capital or any part thereof, according to the amount of the capital of which such produce shall be so received ; and where the duty chargeable upon any such bequest for the benefit of or to be enjoyed by different persons in succession shall be chargeable at different rates, so that the same cannot be paid at one and the same time, but must be paid in succession as aforesaid, then and in such case all and every the person and persons having or taking the burthen of the execution of the will or testamentary instrument in which such bequest shall be contained, shall be chargeable with such duties in succession, in the same manner as such persons would be chargeable with the like duties in case of immediate bequest, unless the property bequeathed shall have been paid or otherwise satisfied to or vested in any trustees or trustee as aforesaid, in which case such trustees or trustee, or his, her or their representatives, shall be chargeable with the duties for and in respect of such property so vested in him, her or them respectively, in such and the same manner as if he, she or they had had or taken the burthen of the execution of the will or testamentary instrument by which such bequest shall have been made ; and in like manner, where any partial interest shall be given or shall arise out of any such property so to be enjoyed in succession, and such partial interest shall be satisfied or paid by the person or persons so enjoying such property, such person or persons shall be chargeable with the duties for and in respect of such partial interest, and shall retain and pay the same accordingly, in such and the same manner as if he, she or they had had or taken the burthen of the execution of the will or testamentary instrument by which such partial interest shall have been created ; and in all such cases the person or persons so chargeable with duty shall be debtors to the King's Majesty, his heirs and successors, in like manner, and shall be subject to the like penalties, as the person or persons having or taking the burthen of the execution of such will or testamentary instrument are hereby made chargeable and subject to.

Plate, &c.  
while enjoyed  
in kind, not

XIV. PROVIDED always, and be it further enacted, that no duty shall be paid on any articles of plate, furniture or other things not yielding any

income, and given to or for the benefit of or so as that the same be enjoyed by different persons in succession, whilst the same shall be so enjoyed in kind only by any person or persons not having any power of selling or disposing thereof, so as to convert the same into money or other property yielding an income; but if the same shall be actually sold or disposed of, or shall come to any person or persons having power to sell or dispose thereof or having an absolute interest therein, then and in each and every such case the same duty shall be chargeable and paid thereon as if the same had been originally given absolutely and with full power to sell or dispose thereof, and shall be chargeable upon and paid by the person or persons for whose benefit the same shall be sold, or who shall have power to sell or dispose thereof or an absolute interest therein, and shall become the debt of such person or persons, but shall not be a charge on any person or persons by reason of his, her or their having assented to such bequest as the person or persons having or taking the burthen of the execution of the will or testamentary instrument by which such bequest shall have been made.

XV. PROVIDED always, and be it further enacted, that where any legacy or any residue or part of residue shall be so given by any will or testamentary instrument that different persons shall become entitled thereto in succession, the duty shall be charged thereon as given to be enjoyed in succession, whether the person or persons entitled thereto shall take the same under or by virtue of such will or testamentary instrument and the dispositions therein contained, or in default of such dispositions and as entitled by intestacy.

*Duty on legacies, &c. enjoyed in succession to be charged thereon as such, whether taken under a will or by intestacy.*

XVI. AND be it further enacted, that where any legacy or residue or part of residue shall be given to or for the benefit of any person or persons in joint tenancy, some or one of whom shall be chargeable with any duty hereby imposed, and some or one of whom shall not be so chargeable, the person or persons chargeable with duty shall pay such duty in proportion to the interest of such person or persons respectively in such bequest; and if any person or persons chargeable with duty and entitled in joint tenancy as aforesaid shall become entitled by survivorship or by severance of the joint tenancy to any larger interest in the property bequeathed than that in respect of which such duty shall have been paid, then and in such case all and every such person or persons so becoming entitled by survivorship or by severance shall be charged with the same duty as if the property to which such joint tenant or joint tenants shall so become entitled had been originally given to or for the benefit of such person or persons only.

*Duty on legacies, &c. in joint tenancy to be paid in proportion to the interest of the parties.*

*Duty on accretion by survivorship or severance.*

XVII. AND be it further enacted, that when any legacy or any residue or part of residue shall be given subject to any contingency which may defeat such gift, and whereupon the same may go to some other persons or person, such bequest (unless chargeable as an annuity under the provisions herein contained) shall be charged with duty as an absolute bequest to the person or persons who shall take the same subject to such contingency, and such duty shall be paid out of the capital of such legacy or residue or part of residue, notwithstanding the same may upon such contingency go to some person not chargeable with the same duty or with any duty; and if such contingency shall afterwards happen, and the property so bequeathed shall thereupon go in such manner that the same if taken immediately after the death of the testator or testatrix under the same title would have been chargeable with a

*Duty on legacies, &c. subject to contingencies, to be charged as for absolute bequests, &c.*

higher rate of duty than the duty so paid, the person or persons becoming entitled thereto shall be charged with and shall pay the difference between the duty so paid and such higher rate of duty.

How duty shall be charged on legacies, &c. subjected to power of appointment;

XVIII. AND be it further enacted, that where any legacy or the residue or any part of the residue of any personal estate shall be subjected to any power of appointment to or for the benefit of any person or persons specially named or described as objects of such power, such property shall be charged with duty as property given to different persons in succession; and in so charging such duty, not only the person and persons who shall take previous or subject to such power of appointment, but also any person and persons who shall take under or in default of any such appointment, when and as they shall so take respectively, shall in respect of their several interests, whether previous or subject to or under or in default of such appointment, be charged with the same duty and in the same manner as if the same interests had been given to him, her or them respectively in and by the will or testamentary disposition containing such power, in the same order and course of succession as shall take place under and by virtue of such power of appointment, or in default of execution thereof, as the case may happen to be; and where any property shall be given for any limited interest, and a general and absolute power of appointment shall also be given to any person or persons to whom the property would not belong in default of such appointment, such property upon the execution of such power shall be charged with the same duty and in the same manner as if the same property had been immediately given to the person or persons having and executing such power, after allowing any duty before paid in respect thereof; and where any property shall be given with any such general power of appointment, which property in default of appointment will belong to the person or persons to whom such power shall also be given, such property shall be charged with and shall pay the duty by this Act imposed, in the same manner as if such property had been given to such person or persons absolutely in the first instance, without such power of appointment.

and how on personal estates directed to be applied in purchase of real estates.

XIX. AND be it further enacted, that any sum of money or personal estate directed to be applied in the purchase of real estate shall be charged with and pay duty as personal estate, unless the same shall be so given as to be enjoyed by different persons in succession, and then each person entitled thereto in succession shall pay duty for the same in the same manner as if the same had not been directed to be applied in the purchase of real estate, unless the same shall have been actually applied in the purchase of real estate before such duty accrued; but no duty shall accrue in respect thereof, after the same shall have been actually applied in the purchase of real estate, for so much thereof as shall have been so applied: Provided nevertheless, that in case, before the same or some part thereof shall be actually so applied, any person or persons shall become entitled to an estate of inheritance in possession in the real estate to be purchased therewith or with so much thereof as shall not have been applied in the purchase of real estate, the same duty which ought to be paid by such person or persons, if absolutely entitled thereto as personal estate by virtue of any bequest thereof as such, shall be charged on such person or persons, and raised and paid out of the fund remaining to be applied in such purchase.



XX. AND be it further enacted, that estates pur auter vie, applicable by law in the same manner as personal estate, shall be charged with the duties hereby imposed as personal estate.

*Estates pur auter vie applicable as personal estate to be charged as such.*

XXI. PROVIDED always, and be it further enacted, that if any direction shall be given by any will or testamentary instrument for payment of the duty chargeable upon any legacy or bequest out of some other fund, so that such legacy or bequest may pass to the person or persons to whom or for whose benefit the same shall be given free of duty, no duty shall be chargeable upon the money to be applied for the payment of such duty, notwithstanding the same may be deemed a legacy to or for the benefit of the person or persons who would otherwise pay such duty.

*Money left to pay duty not chargeable as a legacy.*

XXII. AND be it further enacted, that in cases of specifick legacies, and where the residue of any personal estate shall consist of property which shall not be reduced into money, it shall be lawful for the person or persons having or taking the burthen of the administration of such effects, or the person or persons by whom the duty thereon ought to be paid, to set a value thereon and offer to pay the duty according to such value, or to require the commissioners for management of the stamp duties to appoint a person to set such value, at the expence of the person or persons by whom such duty ought to be paid; and it shall be lawful for the commissioners to accept the duty offered to be paid upon the value set by the person or persons having or taking the administration of such effects, or by whom the duty for the same shall be payable, without such appraisement, if the said commissioners shall think fit so to do; but if the said commissioners shall not be satisfied with the value so set, on which the duty shall be so offered, it shall be lawful for the said commissioners, notwithstanding such offer, to appoint a person to appraise such effects and to set the value thereon, on which value so set the said commissioners shall assess the duty payable in respect thereof and require the same to be paid; but if the person or persons by whom such duty shall be payable shall not be satisfied with the valuation made under the authority of the said commissioners, and pay the duty accordingly, it shall be lawful for such person or persons to cause the valuation so made under the authority of the said commissioners to be reviewed by the commissioners of the land tax for the time being of the district or place where such effects shall be, at their next meeting after the said commissioners for management of the stamp duties shall have assessed and required payment of such duty as aforesaid, if fourteen days shall have elapsed between such time and the meeting of the said commissioners of land tax, and if not, then at the next succeeding meeting of the said commissioners, of which appeal six days notice shall be given to the said commissioners of stamp duties; and the said commissioners of the land tax shall and may (if they think fit) appoint a person to appraise such effects and set a value thereon, and shall and may hear and determine such appeal in the same manner as in any other cases of appeal to them, and with the like authorities, and their judgement shall be final; and if the valuation made under the authority of the said commissioners of the stamp duties in the case last-mentioned shall not be duly appealed from within the time aforesaid, or shall be affirmed upon appeal, the duty shall be paid according to such valuation, and if any variation shall be made on such appeal the duty shall be paid according to such variation; and if the duty assessed in manner afore-

*Mode of ascertaining duty on specific legacies and property not reduced into money.*

said shall exceed the duty offered to and refused by the said commissioners of stamp duties, the expence of such appraisement and other proceedings in assessing such duty shall be borne by the person or persons by whom such duty shall be payable; and if any dispute shall arise between any person or persons entitled to any such legacy or residue or part of residue and any person or persons having or taking the burthen of the administration of such effects, with respect to the value thereof or with respect to the duty to be paid thereon, the duty shall be assessed by the said commissioners of stamp duties on reference to them by either party for that purpose; and if the value of any property on which such duty ought to be paid shall be in dispute, the said commissioners of the stamp duties shall cause an appraisement to be made thereof, at the expence of the person or persons by whom such duty ought to be paid, in the manner herein-before directed in other cases, and assess the duty thereon accordingly; and if such person or persons by whom such duty ought to be paid shall be dissatisfied with such valuation, or with the assessment of duty made upon such valuation by the said commissioners of the stamp duties, the same shall be reviewed and finally determined by the said commissioners of the land tax upon appeal to them within the time and under the restrictions and in the manner herein-before directed in other cases; but if such valuation or assessment shall not be duly appealed from within the time limited for that purpose, or shall be affirmed upon appeal, the duty shall be paid according thereto; and if any variation shall be made therein on such appeal the duty shall be paid according to such variation; and in case the effects whereon any such duty shall be payable shall be at the distance of ten miles from London, then and in such case it shall be lawful to make the like application to such person as shall be deputed for that purpose by the said commissioners to act in their stead in such cases within the county or district in which such effects shall be; and such person so deputed shall act in such cases in all respects in the same manner as the said commissioners are hereby authorized to act, subject nevertheless to the instructions and controul of the said commissioners.

Duty on legacies, &c. satisfied otherwise than in money, &c. to be paid according to the value of the satisfaction.

XXIII. AND be it further enacted, that where any legacy or part of any legacy, or residue or part of residue, whereon any duty shall be chargeable by this Act shall be satisfied otherwise than by payment of money or application of specific effects for that purpose, or shall be released for consideration or compounded for less than the amount or value thereof, then and in such case the duty shall be charged and paid in respect of such legacy or part of legacy or residue or part of residue according to the amount or value of the property taken in satisfaction thereof, or as the consideration for release thereof or composition for the same: Provided always, that if any legacy or bequest shall be made in satisfaction of any other legacy or bequest or title to any residue or part of residue of any personal estate remaining unpaid, the duty shall not be paid on both subjects, although both may be chargeable with duty, but shall be paid on the subject yielding the largest duty.

If legatees, &c. refuse to accept legacies, &c. with duty deducted, the court, in case of subse-

XXIV. AND be it further enacted, that if any person or persons having or taking the burthen of the execution of the will or other testamentary instrument or the administration of the personal estate of any person deceased, or any other person or persons hereby made chargeable with duty, shall declare himself, herself or themselves ready and willing, and shall accordingly offer to

pay any pecuniary legacy or residue or part of residue, deducting the duty payable thereon, or shall in like manner offer to deliver or otherwise dispose of any specific legacy or any specifick property, part of any residue of any personal estate, to or for the benefit of the person or persons entitled thereto, or to any trustee or trustees for such person or persons, upon payment of the duty payable in respect thereof, and the person or persons entitled to such legacy or residue or part of residue, or the trustee or trustees for such person or persons, shall refuse to accept such offer and to give a proper release and discharge for such legacy or residue, or so much thereof as shall be offered to be paid, delivered or otherwise disposed of as aforesaid, then and in such case, although no actual tender shall be made, if any suit shall be afterwards instituted for such legacy or effects respecting which such offer shall have been made, it shall be lawful for the court in which such suit shall be instituted to order all costs, charges and expences attending the same to be paid by the person or persons who shall have refused to accept such offer and to give or join in such release or discharge, or to order such costs, charges and expences to be deducted and retained out of such legacy or effects, together with the duty payable thereon, as the said court shall see fit; and in case any suit shall be instituted for payment of any legacy or residue or part of residue of any personal estate, and the person or persons sued for the same shall be desirous of staying proceedings in such suit, on payment of the money due, or delivering or otherwise disposing of the specific effects demanded, after deducting or receiving the duty payable thereon, it shall be lawful for the court in which such suit shall be instituted, if it shall see fit, on application in a summary way, to make such order for payment of such legacy or residue or part of residue, or for delivering or otherwise disposing of such effects, and for payment of the duty payable thereon, and all such costs, charges and expences attending such suit as shall be just.

quent suit,  
may order  
them to  
pay costs;

and in suits  
for legacies, &c.  
where the  
party sued  
may wish to  
stop proceed-  
ings on pay-  
ment of money  
due, &c. after  
deducting  
duty, the  
court may  
make order  
in that behalf.

XXV. AND be it further enacted, that if any suit shall be instituted concerning the administration of the personal estate of any person dying testate or intestate, or any part of such estate, in which any direction shall be given touching the payment of any legacies or legacy of such person, or the residue of his or her personal estate, or any part thereof, the court wherein such suit shall be instituted shall, in giving directions concerning the same, provide for the due payment of the duties hereby imposed; and in taking any account of any personal estate or otherwise acting concerning the same, such court shall take care that no allowance shall be made in respect of any legacy or part of legacy or of any residue or part of residue in any manner whatsoever, without due proof of the payment of the duties hereby imposed.

If suit be in-  
stituted con-  
cerning ad-  
ministration,  
the court to  
provide for  
payment of  
the duty.

XXVI. PROVIDED always, and be it further enacted, that any person or persons having or taking the burthen of the execution of any will or other testamentary instrument or the administration of the personal estate of any person deceased may from time to time pay, deliver or otherwise dispose of any legacy or any part of any legacy, or make distribution of any part of the residue of any personal estate, on payment from time to time of such proportions of the duty hereby imposed as shall accrue in respect of such part of such personal estate as shall be so administered.

Executors  
may from time  
to time pay  
legacies, &c. on  
payment of  
the duty  
accrued  
in respect of  
the legacies,  
&c. so paid.

No legacy, &c. liable to duty, to be paid without a receipt containing certain particulars.

XXVII. AND be it further enacted, that no person or persons having or taking the burthen of the execution of any will or testamentary instrument or the administration of the personal estate of any person deceased, nor any trustee or trustees or other person or persons hereby directed and required to account for any duty, shall from and after the passing of this Act pay, deliver or otherwise dispose of or in any manner satisfy, discharge or compound for any legacy whatsoever or any part thereof, or the residue of any personal estate or any part thereof, in respect whereof any duty is hereby imposed, without taking a receipt or discharge in writing for the same, expressing the date of such receipt or discharge, and the names of the testator, testatrix or intestate under whose will or testamentary disposition or upon whose intestacy the title to such legacy or part of legacy or to such residue or part of residue shall accrue, and of the person or persons to whom such receipt or discharge shall be given, and of the person or persons to whom such legacy or residue or part of residue shall have been given or shall have belonged in consequence of intestacy, and the amount or value of the legacy or part of legacy or residue or part of residue for which such receipt or discharge shall be given, and also the amount and rate of the duty payable and allowed thereon; and that no written receipt or discharge for any legacy or part of any legacy, or for the residue of any personal estate or any part of such residue, in respect whereof any duty is hereby imposed, shall be received in evidence or be available in any manner whatever unless the same shall be stamped as required by this Act; and no evidence whatsoever shall be given of any payment, satisfaction or discharge whatsoever, or of any release or composition of such legacy or any part thereof, or of such residue or any part thereof, without producing such receipt or discharge duly stamped as aforesaid, unless the actual payment of the duty hereby imposed shall first be given in evidence: Provided always, that a copy of the entry in the books of the commissioners of the stamps of the payment of such duty shall be admitted as evidence thereof: Provided also, that payment of any annuity shall not be deemed a payment for which such stamped receipt shall be required under the directions of this Act, except the several payments which shall compleat the payments for each of the first four years during which such annuity shall be payable; and in like manner any payment in respect of any legacy or bequest hereby directed to be charged with the duty in the same manner as annuities are hereby made chargeable with duty, shall not be deemed a payment for which such stamped receipt shall be required, except the several payments which shall compleat the payments for each of the first four years in respect of which such legacy or bequest shall be chargeable with duty as an annuity.

No receipt available unless duly stamped, &c.

Copy of entry at stamp office of payment of duty evidence. Stamped receipts for annuities, &c. only required on completion of payments for each of the first four years.

Penalty of 10l. per cent. for paying or receiving legacies, &c. without stamped receipts.

XXVIII. AND be it further enacted, that any person having or taking the burthen of the execution of any will or testamentary instrument or the administration of the personal estate of any person deceased, and any trustee or trustees or other person or persons hereby directed and required to account for any duty, who shall pay, deliver or otherwise dispose of, or in any manner satisfy or discharge or compound for any legacy given by such will or testamentary instrument, or the residue or any part of the residue of such personal estate, to or for the benefit of any person or persons entitled to such legacy

or any part thereof, or to such residue or any part thereof, without taking such receipt or discharge in writing as aforesaid, and causing the same to be stamped within the time hereby allowed for stamping the same, shall forfeit and lose the sum of ten pounds per centum on the sum of money, or the value of the property if not money, for which such receipt or discharge ought to have been given in pursuance of this Act; and all and every person and persons receiving or taking the benefit of any such money or other property without giving a written receipt or discharge for the same, in which the duty payable in respect thereof shall be expressed to have been allowed or paid to the person or persons to whom such receipt or discharge shall be given, and which shall bear date on the day of signing the same, shall forfeit and lose the sum of ten pounds per centum on the sum of money or on the value of the property so received or taken.

XXIX. AND be it further enacted, that every such receipt or discharge shall be brought, within the space of twenty-one days after the date thereof, to the said head office of the said commissioners, or to some other office to be appointed by the said commissioners for such purpose, to be stamped, paying the duty for the same; and upon such payment, either at the said head office or at any other office to be appointed as aforesaid, the receiver general or other proper officer to be appointed for that purpose by the said commissioners, as the case shall require, shall write upon such receipt or discharge an acknowledgement of the payment of the duty so paid in words at length, and bearing date the day on which such payment shall be made, and shall subscribe his name thereto, and enter an account thereof in a book or books to be provided for that purpose, to the intent that he may be thereby charged with the sum so paid; and in case the duty shall be so paid at the said head office, then the receipt or discharge so brought to be stamped shall be forthwith stamped with one of the said four stamps, as the case shall require; and in case the duty shall be so paid at any other office to be appointed by the said commissioners as aforesaid, the receipt or discharge whereon such acknowledgement of the payment of duty shall be so written and subscribed shall be transmitted, within the space of twenty-one days from the day of payment of such duty, to the said head office to be stamped, and the same shall be stamped accordingly with one of the said four stamps, as the case shall require; and in case the person or persons paying such duty at any such office to be appointed as aforesaid shall be desirous that the same should be transmitted to the said head office by the officer to whom such duty shall be paid, and shall leave the same with such officer for such purpose, such officer shall thereupon sign and deliver an acknowledgement that such receipt or discharge has been left with him for such purpose, and shall transmit such receipt or discharge to such head office to be stamped as aforesaid, and the same shall be sent again to such officer as soon as conveniently may be after the stamping thereof, and such officer shall deliver back the same to the person or persons entitled thereto, upon re-delivery to him of the acknowledgement which he shall have given for the same: Provided always, that if any such receipt or discharge shall not be so brought to any such office as aforesaid within such space of twenty-one days as aforesaid, it shall nevertheless be lawful to carry such receipt or discharge to the said head office to be stamped in like manner within three calendar months after the date

Receipts to be stamped on payment of duty, within 21 days after date, when an acknowledgement of payment of the duty shall be written thereon, &c.

Receipts may be stamped within three months after date, on payment of duty and 10% per cent. penalty.

Restriction on stamping receipts unless the duty be paid, and they are brought to be stamped as before directed.

Mistakes in paying duty may be rectified, if no suit be instituted, on payment of the difference within three months and 10l. per cent. thereon.

Persons paying or receiving money contrary to this Act indemnified on discovering the other offender.

If by infancy or absence legacies, &c. cannot be paid, the money may be paid into the Court of Chancery, and laid out in the 3l. per cents;

thereof, paying the duty for the same, and also the further sum of ten pounds per centum on such duty, by way of penalty for not having before paid such duty, on payment of which duty and penalty the said commissioners are hereby authorized and required to stamp such receipt or discharge in the same manner as if the same had been brought to the said office within the space of twenty-one days from the date thereof; but the said commissioners or any of their officers shall not on any pretence whatever, except as herein-after directed, stamp any vellum, parchment or paper, upon which any receipt or discharge for any legacy or part of legacy, or any residue of any personal estate or any part thereof, shall be written or signed, with the said new stamps or any of them, unless the duty for the same shall be paid, and such receipt or discharge shall be produced to be so stamped in manner aforesaid, within the times and in the manner herein-before respectively limited and appointed.

XXX. AND be it further enacted, that if it shall appear to the satisfaction of the said commissioners of stamp duties, upon oath or affirmation to be administered by a justice of the peace, or master or masters extraordinary in Chancery, which oath or affirmation such persons are hereby empowered to administer, that less duty has been paid for any legacy or residue or part of residue than ought to have been paid for the same, by mistake, without any intention to defraud, and if application shall be made to the said commissioners to rectify such mistake and accept the duty really due before any suit shall be instituted concerning the same, and within three calendar months after payment of the money actually paid instead of the just duty, it shall be lawful for the said commissioners to accept the difference between the money paid and the just duty, together with the sum of ten pounds per centum on such difference, by way of penalty, in full for the just duty, and which shall be in discharge of all penalties incurred by non-payment of such duty, and to cause an acknowledgement of the payment of the just duty to be written on the receipt or discharge given for such legacy or residue or part of residue, and to be subscribed by the proper officer, and also to cause such receipt or discharge to be properly stamped, if necessary, in the same manner as would have been done if the just duty had been originally paid.

XXXI. PROVIDED always, and be it further enacted, that the party or parties paying or satisfying any legacy or any residue of any personal estate or any part of such residue, or receiving the same, contrary to the provisions of this Act, who shall, within the space of twelve calendar months after the offence committed, discover the other party or parties offending therein, so that such party or parties so discovered be thereupon convicted, such person so discovering shall be indemnified and discharged from all penalties incurred for any offence against this Act.

XXXII. PROVIDED always, and be it further enacted, that where, by reason of the infancy or absence beyond the seas of any person entitled to any legacy or to the residue of any personal estate or any part thereof chargeable with duty by virtue of this Act, the person or persons having or taking the burthen of any will or testamentary instrument or the administration of such personal estate cannot pay such legacy or some part thereof, although he, she or they may have effects for that purpose, or cannot pay such residue or some part thereof, although he, she or they may have the same or

some part thereof in his, her or their hands, it shall be lawful for such person or persons to pay such legacy or residue or any parts or part thereof respectively or any sum or sums of money on account thereof, after deducting the duty chargeable thereon, into the Bank of England, with the privity of the accountant general of the Court of Chancery, to be placed to the account of the person or persons for whose benefit the same shall be so paid, for payment of which money the said accountant general shall give his certificate as usual in such cases, on production of the certificate of the commissioners of stamps that the duty thereon has been duly paid, and such payment into the Bank shall be a sufficient discharge for the money so paid in, provided the duty be also paid thereon as aforesaid; and such money when paid in shall be laid out by the said accountant general, without any formal request for that purpose, in the purchase of three pounds per centum consolidated annuities, which, with the dividends thereon, shall be transferred and paid to the person or persons entitled thereto, or otherwise applied for his or their benefit, on application to the Court of Chancery by petition or motion in a summary way: Provided always, that if it shall afterwards appear that such money or any part thereof has been improperly paid into the Bank as aforesaid, it shall also be lawful for the said Court of Chancery, upon petition in a summary way, to dispose thereof and of the annuities purchased therewith and the dividends received thereon, in such manner as justice shall require: Provided also, that if it shall appear that the duty paid in respect of any such sum of money was more than ought to have been paid, it shall be lawful for the person or persons who shall have paid such duty to apply to the said commissioners for management of the stamp duties to repay such excess of duty, and the said commissioners are hereby authorized upon such application to repay such excess of duty to the person or persons who shall appear to them entitled to receive the same, or to pay such excess of duty into the Bank, with the privity of the said accountant general, for the benefit of the person or persons entitled, there to be placed to the same account and to be applied in the same manner as the same would have been applicable if paid together with the remainder of the legacy or sum of money in respect of which the same shall have been paid; and the said commissioners are hereby authorized to make such payments respectively out of the monies in their hands arising from duties imposed by this Act; and if the duty paid to the said commissioners shall appear to be less than the duty which ought to have been paid, it shall be lawful for the person or persons who paid such money into the Bank as aforesaid, upon payment of the full duty to the said commissioners in such manner as the same ought to be paid, with such penalties, if any, as ought to be paid in respect thereof, to apply to the Court of Chancery in a summary way for the repayment of the further sum paid to the said commissioners for such duty out of the money in the Bank so paid in by such person or persons, or the produce thereof, which payment the said court is hereby authorized to order.

and paid out to person entitled on petition or motion.

If such money be improperly paid in, the Court may upon petition dispose thereof.

If more than the proper duty has been paid, the commissioners for stamps may return the excess;

and if less, on payment of the deficiency the court may order repayment to the party paying.

XXXIII. AND be it further enacted, that if at the end of two years after the death of any person deceased it shall appear to the satisfaction of the said commissioners of stamp duties that it will require time to collect the debts or effects of such person then outstanding, or that from circumstances it will be difficult to ascertain or adjust the amount of the clear residue of the personal

If it shall appear to the commissioners for stamps, at the end of two years after the death of any

person, that it will require time to collect the effects, or be difficult to ascertain the residue of the personal estate, the duty may be compounded for.

estate of such person liable to duty, and the parties interested therein shall be desirous of compounding for the duty thereon, it shall be lawful for such parties respectively, with the consent of the commissioners of stamp duties, to make application to the Court of Exchequer at Westminster, if the deceased person resided in England or elsewhere except in Scotland, and to the Court of Exchequer in Scotland if the deceased resided in Scotland, for leave to compound such duty, stating upon oath the particulars of the personal estate for which such composition shall be proposed to be made, by affidavit to be filed in the said court, and declaring at the same time upon oath whether any other property of the deceased then outstanding, besides the property for which such composition shall be proposed to be made, hath come to the knowledge of the said parties or any of them, and the nature thereof and the circumstances attending the same; and in such case it shall be lawful for the said Court of Exchequer in England or Scotland, as the case may be, to appoint a proper person to set a value on the personal estate or such part thereof for which no duty shall have been charged, and which shall be specified in such affidavit as the property for which such composition shall be desired, and to adjust and settle the duty which justly and equitably under all circumstances ought to be paid in respect of such personal estate so specified; and thereupon it shall be lawful for the said commissioners, and they are hereby required, if the said Court of Exchequer to which such application shall be made shall confirm the said adjustment and settlement and order the duty to be accepted accordingly, and by authority of such order, to accept payment of the sum so adjusted and settled, in full discharge of the duty on so much of such personal estate as shall be so specified, and according to such order, and to enter the same in their books accordingly, and to grant certificates thereof expressing the receipt of such duty by way of composition under such order; and every such person to whom such certificate shall be granted, and every future representative of the same estate, and all persons entitled to the benefit of the property for which such composition shall be so paid, shall be discharged from any further payment of duty on the same; and in all future payments of such property it shall be lawful for the persons having or taking the burthen of the execution of any will or testamentary instrument disposing such property, or the administration thereof, to pay, apply and dispose of the same, and for all persons entitled to the benefit thereof to receive the same, without having the receipts and discharges in writing hereby required to be given and taken for the same stamped as herein-before directed; provided such receipts or discharges shall express the same to be given under the authority of such composition as aforesaid, and not liable to duty: Provided always nevertheless, that the duty shall be charged and paid upon all and every part of the personal estate of such person deceased, other than that which shall be specified in such affidavit as aforesaid, and included in the valuation in which such composition shall have been made as aforesaid, and for which the said Court of Exchequer shall allow and order such composition to be taken as aforesaid, in the same manner as if no such composition had been made; and all and every person and persons shall be liable to all the like penalties and forfeitures for not duly paying the duty for such personal estate not compounded for, and subject to the like rules, methods and directions for charging such duty, as such

Duty to be paid on any part of personal estate not included in the composition.



person and persons respectively would be liable to if such composition had not been made.

XXXIV. AND be it further enacted, that if at any time after payment of duty on any legacy or residue or part of residue of the personal estate of any person deceased any debt shall be recovered against the estate of such deceased person, or any loss shall happen, by reason whereof, or for any other just cause, any legatee or other person by whom any legacy or part of legacy or any residue of any personal estate hath been received or retained shall be obliged to refund the same or any part thereof, then in every such case it shall be lawful for the said commissioners of stamp duties, and they are hereby required, on due proof made on oath as aforesaid to their satisfaction of the amount of such sums refunded, and that by reason thereof there hath been an over-payment of duty, to settle and adjust the amount of such over-payment, and to repay the same out of the money in their hands arising from the duties by this Act imposed, or to allow the same in future payments, as the case may permit or require.

If any legacy, &c. be refunded the duty to be repaid.

XXXV. AND be it further enacted, that whenever any person or persons having or taking the burthen of the execution of any will or testamentary instrument or the administration of any personal estate as aforesaid shall be entitled to any legacy or the residue or any part of the residue of the personal estate of any testator, testatrix or intestate, such person shall be chargeable with the duty whenever he, she or they shall be entitled, in the due course of administration, to retain to his, her or their own use any part of the said estate in satisfaction of such legacy or residue or any part thereof; and every such person, before any such retainer, shall transmit to the said commissioners of stamp duties or their officers a note containing the particulars of such legacy, residue or part of residue intended to be retained, and the amount or value thereof, and the duty which such person or persons shall offer to pay thereon; and the said commissioners shall charge and assess the duty thereon in such manner as the duty shall be chargeable thereon by virtue of the provisions in this Act contained, and such duty shall be paid accordingly; and on payment of the said duty the said receiver general of the said duty or officer appointed to receive the same shall at the foot of a duplicate of the said assessment duly stamped, in such manner as the said commissioners shall direct for such purpose, give a receipt for such duty in such form of words as the said commissioners shall direct, which receipt shall be a discharge for the duty expressed therein; and in case any such person or persons shall neglect to pay such duty as aforesaid within fourteen days after the same ought to have been paid as aforesaid, every such person and persons shall forfeit and pay treble the value of the duty which ought to have been paid.

Executors, &c. previous to retaining their legacies, &c. to transmit the particulars, with the duty offered, to the commissioners of stamps, who shall charge the same agreeable to this Act.

Penalty for neglect of payment of duty for 14 days.

XXXVII. AND be it further enacted, that if the authority under or by colour of which any person shall have administered the estate or effects of any person deceased or any part thereof shall be void or be repealed or declared void, and such person shall before the avoidance, repeal or declaration of avoidance have paid any duty hereby imposed or any duty imposed by any of the said former Acts [\*, which shall not be allowed to such person out

If administration be made void, and any duty shall have been improperly paid, it shall be repaid;

[\* i.e. 20 Geo. 3. c. 28.; 23 Geo. 3. c. 58.; and 29 Geo. 3. c. 51.]

but if it ought to have been paid, it shall be allowed in account with the rightful executor.

of the estate or effects of such deceased person, by reason that the same duty was not really due or payable, the money paid for such duty shall, on proof thereof to the satisfaction of the said commissioners of stamp duties, be repaid to the person or persons who shall have paid the same, or his, her or their representatives, by the said commissioners out of any monies in their hands arising from the duties imposed by this Act or the said former Acts; but in case such duty ought to have been paid by the rightful executor or executors, administrator or administrators, of such deceased person, then and in such case the payment of such duty shall be valid and effectual notwithstanding such avoidance, repeal or declaration of avoidance as aforesaid; and no such person shall by reason of the avoidance, repeal or declaration of avoidance of such authority be sued, molested or troubled for or in respect of such payment; but all such payments in respect of the said duty shall be allowed in account with such rightful executor or executors, administrator or administrators, and the same shall be deemed payments in the due course of administration as fully and effectually as if such payments had been made by rightful executors or administrators, any law, usage or custom to the contrary notwithstanding.

Persons swearing falsely, guilty of perjury.

XXXVIII. AND be it further enacted, that if any person or persons, upon any oath or affirmation before the said commissioners of stamp duties or commissioners of land tax, or any person or persons authorized by this Act to administer any such oath or affirmation, shall wilfully and corruptly swear, affirm or alledge any matter or thing which shall be false or untrue, with intent to defraud his Majesty of any of the said duties hereby imposed, or with intent to charge any person or persons with any greater or other duty than such person or persons ought to be charged with, every such person or persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being any person convicted of wilful and corrupt perjury is subject and liable to.

Penalty of 500*l.* for altering receipts.

XXXIX. AND be it further enacted, that if any person shall alter any word, letter, figure or number in any assessment or receipt to be made or given in pursuance of this Act for any of the said duties, after the same shall have been signed by the officer appointed to sign the same according to the directions of this Act, or shall utter or publish as true any such altered assessment or receipt with intent to defraud his Majesty, his heirs or successors, or any other person or persons, then and in such case every person so altering, uttering or publishing as aforesaid shall forfeit and pay the sum of five hundred pounds.

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Receipts duly stamped to be free from all other duties.

XLI. PROVIDED always, and be it further enacted, that every receipt or discharge for any legacy or any part of any legacy, or for any residue or part of residue of any personal estate, which shall be duly stamped as required by this Act, shall be free and discharged from all stamp duties imposed by the said recited Acts or by any other Act of Parliament upon receipts or discharges for money; and that every such receipt or discharge which shall be duly stamped as required by the said recited Acts, and upon which no new duty is imposed by this Act, shall be also free and discharged from any stamp duty imposed by any other Act upon receipts or discharges for money.

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XLIII. AND be it further enacted, that one moiety of all pecuniary penalties and forfeitures hereby imposed, where no other mode of prosecution is specially prescribed by this Act, shall, if sued for within the space of three calendar months from the time of any such penalty or forfeiture being incurred, be to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid, and which shall and may be sued for in his Majesty's Court of Exchequer at Westminster for offences committed in England, or in his Majesty's Court of Exchequer in Scotland for offences committed in Scotland, by action of debt, bill, plaint or information, wherein no essoin, privilege, wager of law or more than one imparlance shall be allowed; but nevertheless it shall be lawful for his Majesty's attorney general in England or his Majesty's advocate in Scotland, in case it shall appear to his satisfaction that such penalty was incurred without any intention of fraud, to stop all further proceedings, by entering a noli prosequi or otherwise, with respect as well to the share of such penalty claimed by such informer or informers as to the share thereof belonging to his Majesty.

Recovery and application of penalties sued for within three months.

Suits for penalty incurred without intention of fraud may be stopped.

XLIV. PROVIDED always, and be it further enacted, that in default of prosecution within the time herein-before limited no such penalty or forfeiture shall be afterwards recoverable, except in the name of his Majesty's attorney general in England and of his Majesty's advocate in Scotland, by information in the Court of Exchequer in England or Scotland respectively, in which case the whole of such penalty or forfeiture shall belong to his Majesty, his heirs and successors; and that all penalties and forfeitures and shares of penalties and forfeitures incurred as aforesaid belonging to his Majesty, his heirs or successors, shall be paid into the hands of the receiver general of his Majesty's stamp duties for the time being, any law, usage or custom to the contrary notwithstanding; and that in all cases where the whole of such pecuniary penalties or forfeitures shall be recovered to the use of his Majesty, his heirs or successors, it shall be lawful for the said commissioners to cause such reward as they shall think fit, not exceeding one moiety of such penalty or forfeiture so recovered, after deducting all charges and expences incurred in recovering the same, to be paid thereout to or amongst any person or persons who shall appear to them entitled thereto as informers in respect of such penalties or forfeitures so recovered, any thing herein contained to the contrary notwithstanding.

Recovery and application of penalties not sued for within three months.

Commissioners of stamps may reward informers.

\* \* \* \* \*

XLVII. AND be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case the said action or suit shall be commenced within six calendar months after the fact committed and not afterwards, and shall be brought in the county or place where the cause of action shall arise and not elsewhere; and the defendant or defendants in such action or suit to be brought may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be so done, or if any such action or suit shall be brought after the time before limited for bringing the same, or shall be brought in any other county, city or place than as aforesaid, then and in every such case the

Limitation of actions.

General issue.

Treble costs.

jury shall find for the defendant or defendants; and if upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law. [Rep., 5 & 6 Vict. c. 97. s. 2.]

The SCHEDULE to which the Act refers.

FORM to be used by the Commissioners of Stamp Duties in providing blank forms for receipts and discharges given under this Act.

STAMP OFFICE.

On account of the personal estate of deceased,  
between taking the administration of the  
said estate, and legatee [or next of kin,  
as the case may be].

	£	s.	d.
Amount of the sum [or value, if not in money] accounted for - - - - -			
Duty allowed at the rate of                      per centum -			
Balance received - - -			

RECEIVED the                      day of                      the above balance in  
[full, or part, as the case may be] of my [legacy, or share, as the case may be]  
out of the personal estate above-mentioned.

Signed

\*   \*   \*   \*   \*   \*   \*   \*

CHAPTER LX.

Preamble.

AN ACT to regulate the making and vending of Metal Buttons, and to prevent the Purchasers thereof from being deceived in the real Quality of such Buttons. [26th April 1796.]

WHEREAS the manufacturing and vending of gilt and plated buttons has for many years been a great, and till of late an increasing branch of trade in this kingdom, and great quantities of such goods have been sent to foreign markets: And whereas it hath been discovered that certain deceitful and fraudulent practices have been and may be used in the making and vending of such buttons, particularly by the stamping or marking of metal buttons, being neither gilt or plated, with the word gilt or plated, or with other words or marks intimating that the same were gilt or plated, to the intent that the same might pass for and be sold as and for gilt and plated buttons; or by marking metal buttons of an inferior quality, or being slightly gilt, with words or marks intimating that the same were strongly gilt or

extra strongly gilt, to the great injury of the purchasers thereof and of the fair trader, and by which the use and wear of gilt and plated buttons is greatly diminished both at home and abroad, and this valuable manufacture may ultimately be lost to this country: Therefore, for preventing and punishing such fraudulent and pernicious practices, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by and with the authority of the same, that from and after the first day of August one thousand seven hundred and ninety-six no person or persons who shall order or apply for any metal buttons of or from any manufacturer or maker of buttons, shall order or direct the words gilt or plated, or any other word, letter, figure, mark or device indicating the quality, to be printed, cast, stamped or marked in or upon any part of such buttons, or order or direct any word, letter, figure, mark or device, whether the same do or do not indicate the quality, to be printed, cast, stamped or marked in or upon the underside of such buttons, unless such person or persons do and shall at the same time order and direct such buttons to be gilt with gold or plated with silver respectively; and that no person or persons shall procure or purchase or cause to be procured or purchased any metal buttons, not being gilt with gold or plated with silver respectively, having the words gilt or plated, or any other word, letter, figure, mark or device, indicating the quality, printed, cast, stamped or marked thereon, or having any word, letter, figure, mark or device, whether the same do or do not indicate the quality, printed, cast, stamped or marked on the underside thereof, knowing the same not to be gilt with gold or plated with silver respectively; on pain of forfeiting in every of the cases aforesaid such buttons, together with the sum of five pounds for any quantity of such buttons not exceeding twelve dozen, and for any quantity of such buttons exceeding twelve dozen at and after the rate of one pound for every twelve dozen, to be levied, recovered and applied in manner herein-after mentioned.

Penalty on ordering false marks to be put on buttons, or purchasing buttons falsely marked.

II. AND be it further enacted by the authority aforesaid, that from and after the said first day of August no person or persons shall print, cast, stamp or mark, or cause, direct or procure to be printed, cast, stamped or marked, in or upon any part of any metal button or buttons, the words gilt or plated, or any other word, letter, figure, mark or device, indicating the quality, or any word, letter, figure, mark or device on the underside thereof, whether the same do or do not indicate the quality, unless the same be respectively really and bona fide plated with silver before the same shall be so printed, cast, stamped or marked as aforesaid, or afterwards gilt with gold, or destroyed before being sold; and that no person or persons shall put, place or affix, or cause, direct or procure to be put, placed or affixed, upon any metal button or buttons having the words gilt or plated, or any other word, letter, figure, mark or device, indicating the quality, on any part of such button or buttons, or any word, letter, figure, mark or device on the underside thereof, whether the same do or do not indicate the quality, any ornament or ornaments whatsoever, unless those parts of such button or buttons which shall not be covered by such ornament or ornaments be respectively really and bona fide plated with silver or gilt with gold before such ornament or ornaments shall be put, placed or affixed upon such button or buttons; and that no person or persons

Penalty on putting false marks on buttons;

or ornaments on inferior buttons;

or offering for  
sale buttons  
falsely marked.

shall put, place or pack, or cause, direct or procure to be put, placed or packed, for sale, in or upon any card or cards, paper or papers, or other substance, or sell or expose or offer to sale, or cause, direct or procure to be sold or exposed or offered to sale, any metal buttons, not being gilt with gold or plated with silver respectively, if the words gilt or plated, or any other word, letter, figure, mark or device, indicating the quality of such buttons, be printed, cast, stamped or marked in or upon any part of such buttons or upon such card or cards (not being the pattern card or pattern cards), paper or papers, or other substance, or if any word, letter, figure, mark or device be printed, cast, stamped or marked on the underside of such buttons, whether the same do or not indicate the quality, knowing the same not to be gilt with gold or plated with silver respectively; upon pain of forfeiting in every of the cases aforesaid such buttons, together with the sum of five pounds for any quantity of such buttons exceeding one dozen and not exceeding twelve dozen, and for any quantity of such buttons exceeding twelve dozen at and after the rate of one pound for every twelve dozen, to be levied, recovered and applied in manner herein-after mentioned.

No mark to be  
placed upon  
metal buttons,  
except the  
words "gilt"  
or "plated."

No metal  
buttons to be  
offered for  
sale with any  
other mark.

Penalty.

Where persons  
may mark the  
words "double  
gilt" and  
"treble gilt"  
upon metal  
buttons, &c.

III. AND be it further enacted by the authority aforesaid, that from and after the said first day of August no person or persons shall print, cast, stamp or mark, or cause, direct or procure to be printed, cast, stamped or marked, in or upon any part of any metal button or buttons, any word, letter, figure, mark or device, indicating or purporting to indicate the quality thereof, save and except the words "gilt" or "plated" respectively; and that no person or persons shall put, place or pack, or cause, direct or procure to be put, placed or packed, for sale, in or upon any card or cards (except the pattern card or pattern cards), paper or papers, or other substance or parcel, or expose or offer to sale, or cause, direct or procure to be sold or exposed or offered to sale, any metal buttons having any word, letter, figure, mark or device, indicating or purporting to indicate the quality thereof, other than and except the words "gilt" or "plated" respectively, printed, cast, stamped or marked in or upon any part thereof; upon pain of forfeiting in every of the cases aforesaid such buttons, together with the sum of five pounds for any quantity of such buttons exceeding one dozen and not exceeding twelve dozen, and for any quantity of such buttons exceeding twelve dozen at and after the rate of one pound for every twelve dozen, to be levied, recovered and applied in manner herein-after mentioned.

IV. PROVIDED always, and it is hereby further enacted, that nothing in this Act contained shall extend or be construed to extend to inflict any fine, penalty, forfeiture or punishment upon any person or persons who shall print, cast, stamp or mark, or cause or procure to be printed, cast, stamped or marked, the words "double gilt" in or upon any metal buttons, or put, place or pack, or cause, direct or procure to be put, placed or packed, for sale, in or upon any card or cards (except the pattern card or pattern cards), paper or papers, or other substance or parcel, or expose or offer to sale, or cause, direct or procure to be sold or exposed or offered to sale, any metal buttons having the words "double gilt" printed, cast, stamped or marked in or upon any part thereof; provided continually, from the time of gilding thereof, gold shall remain put, placed and equally spread upon the upper surface of the said buttons, exclusive of the edges, in the proportion of ten grains to such

quantity of the said buttons, the upper surfaces of which, exclusive of the edges, shall measure or be equal to the superficies of a circle twelve inches in diameter; or who shall print, cast, stamp or mark, or cause or procure to be printed, cast, stamped or marked, the words "treble gilt" in or upon any metal buttons, or put, place or pack, or cause, direct or procure to be put, placed or packed, for sale, in or upon any card or cards (except the pattern card or pattern cards), paper or papers, or other substance or parcel, or expose or offer to sale, or cause, direct or procure to be sold or exposed or offered to sale, any metal buttons having the words "treble gilt" printed, cast, stamped or marked in or upon any part thereof; provided continually, from the time of gilding thereof, gold shall remain put, placed and equally spread upon the upper surface of the said buttons, exclusive of the edges, in the proportion of fifteen grains to such quantity of the said buttons, the upper surfaces of which, exclusive of the edges, shall measure or be equal to the superficies of a circle twelve inches in diameter, any thing herein-before said to the contrary thereof in any wise notwithstanding.

V. AND be it further enacted by the authority aforesaid, that from and after the said first day of August, if any person shall make out, send or deliver, for, with or in relation to any metal buttons, any list, bill of parcels or invoice, expressing therein any other than the real quality of such buttons, and shall at the time of making out, sending or delivering such list, bill of parcels or invoice, know that such list, bill of parcels or invoice express therein any other than the real quality of such buttons, such person shall for every such offence forfeit and pay the sum of twenty pounds, to be levied, recovered and applied in manner herein-after mentioned.

Penalty on making false invoices.

VI. AND be it further enacted by the authority aforesaid, that no person or persons shall knowingly put, place or intermix, or cause, order, direct or procure to be put, placed or intermixed, any metal button or buttons that shall not be respectively really and bona fide gilt with gold or plated with silver upon any card or cards (except pattern cards), or upon any paper or papers or other substance whereon or wherein any metal button or buttons gilt with gold or plated with silver shall be put or placed, nor intermix the same in any other manner; upon pain of forfeiting the buttons so put, placed or intermixed, together with the sum of five pounds for any quantity of buttons so put, placed or intermixed, exceeding one dozen and not exceeding twelve dozen, and for any quantity of buttons so put, placed or intermixed, exceeding twelve dozen, at and after the rate of one pound for every twelve dozen, to be levied, recovered and applied in manner herein-after mentioned.

Penalty on mixing buttons of different qualities.

VII. AND for the more easy and better ascertaining what shall be deemed or taken to be a gilt or plated button or buttons, be it enacted, that no metal buttons shall be deemed or taken to be gilt buttons unless continually, from the time of gilding thereof, gold shall remain put, placed and equally spread upon the upper surface of the said buttons, exclusive of the edges, in the proportion of five grains to such quantity of the said buttons, the upper surfaces of which, exclusive of the edges, shall measure or be equal to the area or superficies of a circle twelve inches in diameter; and that no metal buttons shall be deemed or taken to be plated buttons unless the area or superficies of the upper surface thereof be made of a plate of silver put, placed or fixed upon copper, or a mixture of copper with other metals, previous to such plate

What shall be deemed to be gilt or plated buttons.

of silver and copper, or mixture of copper with other metals, being rolled into sheets or fillets.

Recovery of  
penalties before  
justices.

VIII. AND be it further enacted, that it shall and may be lawful to and for any two or more of his Majesty's justices of the peace of the county, city or place where the offender or offenders shall reside, or where the offence shall be committed, to hear and determine any offence against this Act; and such justices are hereby authorised and required, upon any information exhibited or complaint made in that behalf, to summon the party accused and the witnesses on each side, and shall examine into the matter of fact, and upon due proof thereof, either by confession of the party or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the pecuniary penalty, with costs to be allowed by such justices, and to award and issue out their warrant under their hands and seals for the levying such penalty and costs on the goods and chattels of the offender or offenders, and to cause sale to be made thereof in case they shall not be redeemed within five days, inclusive of the day of seizure, rendering the surplus, if any, to the person or persons whose goods or chattels shall be distrained; and for want of a sufficient distress such justices shall and may commit such offender or offenders to his Majesty's gaol for the county, city or place where such information shall be laid as aforesaid, there to remain for any time not exceeding three calendar months, unless payment shall be sooner made of the said penalty and costs.

Appeal.

IX. AND be it further enacted, that if any person or persons shall think him, her or themselves aggrieved by the judgement of such justices, he, she or they may (upon giving security with a sufficient surety to the amount of the value of such penalty or penalties and costs, together with such further costs as shall be awarded in case such judgement shall be affirmed) appeal to the next general quarter sessions of the peace for the county, city or place where such conviction shall be made; and the justices at such sessions are hereby empowered to summon and examine witnesses on oath and to hear and finally determine the matter of the said appeal, and to award such costs as the said court shall think reasonable to the party in whose favour such appeal shall be determined.

Mitigation of  
penalties.

X. PROVIDED always, and be it further enacted, that it shall be lawful for and in the power of the said justices of the peace and also of the said quarter sessions to modify and mitigate the said penalties in such manner as to them shall seem expedient, provided that such penalties shall in no case be reduced below one half, or, where such penalties shall be less than the sum of forty pounds, below twenty pounds.

Proceedings  
not to be  
quashed for  
want of form  
only.

XI. AND be it further enacted, that no conviction made upon any offence or offences in this Act mentioned or created shall be set aside in or by any court whatsoever for want of form, or through the mistake of any fact, circumstance or other matter whatsoever, provided the material facts alledged in such conviction, and upon which the same shall be grounded, be proved to the satisfaction of the said court, any law, statute or custom to the contrary notwithstanding.

XII. AND be it further enacted, that a conviction in the form or to the effect following (*mutatis mutandis*), as the case shall happen to be, shall be



good and effectual to all intents and purposes whatsoever, without stating the case or the facts or evidence in any particular manner; (that is to say.)

**B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_  
 year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the county of \_\_\_\_\_  
 A.B. came before us, C.D. and E.F., two of his Majesty's  
 justices of the peace for the said county [city or place, as the case may be],  
 and informed us that G.H. of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 now last past, at \_\_\_\_\_ in the said county [city or  
 place, as the case may be] [here set forth the fact for which the infor-  
 mation is laid]; whereupon the said G.H., after being duly summoned to  
 answer the said charge, appeared before us on the \_\_\_\_\_ day of \_\_\_\_\_  
 at \_\_\_\_\_ in the said county [city or place], and having  
 heard the charge contained in the said information declared he was not  
 guilty of the said offence, [or, as the case may happen to be] did not  
 appear before us pursuant to the said summons, [or, did neglect and refuse  
 to make [any defence against the said charge]; but the same being fully  
 proved before us upon the oath of J.K., a credible witness [or, as the case  
 may happen to be], acknowledged and voluntarily confessed the same to be  
 true, and it manifestly appeared to us that the said G.H. is guilty of the  
 offence charged upon him in the said information; we do therefore hereby  
 convict him of the offence aforesaid, and do declare and adjudge that he  
 the said G.H. hath forfeited the said buttons, together with the sum of  
 \_\_\_\_\_ of lawful money of Great Britain, for the offence aforesaid, to  
 be distributed as the law directs, according to the form of the statute in  
 that case made and provided. Given under our hands and seals, the  
 day of \_\_\_\_\_ .

Form of con-  
viction.

**XIII.** AND be it further enacted, that if any person shall be summoned as  
 a witness to give evidence before such justices of the peace touching any of  
 the matters relative to this Act, either on the part of the informer or the  
 person or persons accused, and shall neglect or refuse to appear at the time  
 and place to be for that purpose appointed, without a reasonable excuse for  
 such his, her or their neglect or refusal, to be allowed of by such justices of the  
 peace, or appearing shall refuse to be examined on oath and give evidence  
 before such justices, then every such person shall forfeit for every such offence  
 the sum of five pounds, to be levied and paid in such manner and by such  
 means as are herein-before directed as to other penalties.

Penalty for  
non-attendance  
of witnesses.

**XIV.** AND be it further enacted by the authority aforesaid, that it shall  
 and may be lawful to recover any of the pecuniary penalties aforesaid by  
 action or suit in any of his Majesty's courts of record at Westminster, with  
 full costs of suit, wherein no essoign, protection or wager of law nor more  
 than one imparlance shall be allowed; and that it shall and may be lawful  
 to and for any justice of the peace of the county, city or place where the  
 offence is committed, or where the offender or offenders reside, by warrant  
 under his hand and seal, to cause any such metal buttons as shall be liable to  
 be forfeited by virtue of this Act to be seized, and the same when seized to  
 keep in safe custody, for the purpose of producing the same in evidence upon  
 any prosecution or action to be instituted or commenced for the pecuniary  
 penalties incurred in respect thereof; and when and as soon as the further

Recovery of  
penalties  
by action.

production thereof in evidence shall become unnecessary, then the same shall by order of such justices be defaced and destroyed.

Limitation of  
time for in-  
formations  
under the Act.

XV. PROVIDED always, and it is hereby further enacted, that no information shall be exhibited or action brought for any of the offences aforesaid, unless within the space of three calendar months after the commission of such offences respectively.

Application of  
the penalties.

XVI. AND be it further enacted, that one moiety of the pecuniary penalties so to be recovered as aforesaid shall be paid and payable to the poor of the parish, township or place, where the offence shall be committed, and the other moiety to him, her or them who shall inform or sue for the same.

\* \* \* \* \*

Persons dis-  
closing by  
whose order  
they have done  
any thing  
punishable  
under this Act  
shall not be  
liable to  
any penalty for  
doing it.

XVIII. PROVIDED always, and be it further enacted, that in case any person or persons who shall be liable to any of the penalties aforesaid, by reason of any thing done by him, her or them under the order, direction or procurement of any other person or persons, shall, before any information or complaint shall be laid or made against him, her or them, discover to any two or more justices the name or names of the person or persons by whose order, direction or procurement he, she or they shall have done such act which shall have made himself, herself or themselves liable to any of the penalties, so that such person or persons, by whose order, direction or procurement he, she or they shall have done such act, shall be prosecuted to conviction for the same, then and in such case such person or persons who shall give such information or make such complaint shall not be liable to the pains and penalties aforesaid, but shall be entitled to a moiety of the penalty as other informers.

Manufacturers  
not to be liable  
to penalties in  
certain cases.

XIX. PROVIDED also, and be it further enacted by the authority aforesaid, that if any manufacturer or maker of buttons who shall have ordered any metal buttons to be gilt with gold by any gilder or gilders or other person or persons whatsoever, shall before the burnishing of the said buttons appear before two or more of his Majesty's justices of the peace of the county, city or place where such gilder or gilders or other person or persons shall reside, or where the offence of such gilder or gilders or other person or persons shall have been committed, and prove before the said justices by one or more credible witnesses that he ordered and directed the said buttons to be gilt in the manner required by this Act, and delivered a quantity of gold sufficient for that purpose, or paid or contracted to pay a proper sum of money in that behalf, and shall afterwards prosecute such gilder or gilders or other person or persons to conviction, then and in any of the cases the said manufacturer or maker of buttons shall not be liable to any of the fines, forfeitures, penalties and punishments in and by this Act inflicted for or on account of the said buttons not being gilt with gold, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

What buttons  
the Act shall  
not extend to.

XX. PROVIDED also, and be it enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend or relate to any button or buttons made of gold, silver, tin, pewter, lead or mixtures of tin and lead, or iron tinned, or of the mixt metals called Bath metal or white metal, or of either or any of these metals inlaid with steel, or buttons plated upon shell or shells, any thing herein-before said to the contrary thereof in anywise notwithstanding.

XXI. AND be it further enacted by the authority aforesaid, that if any suit or action shall be commenced against any person or persons for what he or she may do in pursuance of this Act, such suit or action shall be commenced within six calendar months next after the fact committed and not afterwards, and shall be laid, brought and tried in the county, city or place where the offence was committed and not elsewhere; and the defendant or defendants in such suit or action, suits or actions, shall and may plead the general issue and give this Act and the special matter in evidence; and if any suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county, city or place, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or prosecutor shall become nonsuit or suffer discontinuance, or if a verdict shall pass against him or her, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Limitation of actions.

General issue.

Treble costs.

XXII. AND be it further enacted by the authority aforesaid, that this Act shall be deemed and allowed in all courts within this kingdom as a publick Act, and all judges, justices and all other persons herein concerned are hereby required as such to take notice hereof, without specially pleading the same.

Publick Act.

## CHAPTER LXXXV.

### AN ACT for the better Regulation of Mills.

[14th May 1796.]

**W**HEREAS the laws now in being for the regulation of mills have been found deficient and ineffectual: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand seven hundred and ninety-six every miller or other person keeping a mill for the grinding of corn shall have in such mill a true and equal balance, with proper weights according to the standard of the Exchequer; and any person or persons appointed by virtue of an Act passed in the last session of Parliament, intituled "An Act for the more effectual prevention of the use of defective weights and of false and unequal balances," to examine the weights and balances within his or their respective counties, ridings, liberties and divisions, shall be, and he and they is and are hereby authorized and required to examine such balances and weights, and to proceed with respect to them in the same manner as is provided in the said Act with respect to weights and balances; and every miller or other person as aforesaid in whose mill shall be found no balance or weights shall forfeit and pay a sum not exceeding twenty shillings; and every miller or other person as aforesaid in whose mill shall be found any weight or weights not being according to the standard in the Exchequer, or any false or unequal balance or balances, and all persons obstructing, hindering or resisting such persons in viewing and examining the same, shall be liable to be proceeded against, and shall forfeit and pay the like penalties, as any person committing the like offences against the provisions of the said Act would be respectively liable to.

Preamble.

From July 1, 1796, a balance and weights to be kept in every corn mill (which shall be examined by the persons appointed under 35 Geo. 3. c. 102.), on penalty not exceeding 20s.

Provisions of 35 Geo. 3. c. 102. to extend to this Act.

Millers to weigh corn, if required, before and after grinding, on penalty not exceeding 40s.

II. AND be it further enacted, that every person or persons who shall bring or cause to be brought any corn to any mill to be ground may require the miller or other person acting for him or keeping the mill to weigh in his or her presence such corn before it shall be ground, and after it shall be ground may require the miller or other person as aforesaid to weigh in his or her presence the produce of the corn so ground; and if any miller or other person as aforesaid shall refuse so to weigh the said corn he shall be liable to forfeit and pay any sum not exceeding forty shillings.

Millers to deliver the whole produce of corn when ground, if required, allowing for waste and toll, on penalty for the deficiency, not exceeding 1s. per bushel, and treble the value.

III. AND be it further enacted, that every miller or other person keeping a mill for grinding corn shall after grinding any corn deliver to the person who brought or caused such corn to be brought, if such person shall require the same, the whole produce of such corn in weight, allowing for the diminution in weight that shall have been caused by the waste in grinding, and by taking toll, in cases where toll is herein-after allowed to be taken; and if such corn shall be dressed into flour, then the whole produce in weight, allowing for the diminution in weight that shall have been caused by the waste in grinding and dressing, and by taking toll as aforesaid; and if such corn on being weighed after grinding, or after grinding and dressing, shall appear to weigh less than such full weight, after allowing for the diminution aforesaid, as the case may be, such miller shall for every bushel of corn so deficient in weight forfeit and pay a sum not exceeding one shilling, and also treble the value of such deficiency.

Toll to be deducted from corn before it be put into the mill.

IV. AND be it further enacted, that in cases where toll is herein-after allowed to be taken, such quantity of corn as the miller shall be lawfully entitled to deduct by way of toll for grinding the same shall be deducted before the said corn shall be put into the mill.

From June 1, 1796, no corn, but money, to be taken for toll, on penalty not exceeding 5l., except where the party has no money.

V. AND be it further enacted, that from and after the first day of June one thousand seven hundred and ninety-six no miller or other person keeping a mill for grinding corn shall demand or take any part of the corn brought to be ground, or of the produce of such corn when ground, by way of toll for payment, but in lieu thereof he shall be entitled to demand payment in lawful money of Great Britain; and every miller or other person as aforesaid who shall demand or take any part of the corn brought to be ground, or of the produce of such corn when ground, by way of toll for payment, shall for every such offence be liable to forfeit and pay any sum not exceeding five pounds: Provided always, that where any person who has brought or caused to be brought any corn to be ground shall not have money to pay for grinding the same, it shall be lawful for the miller or other person as aforesaid, with the consent of the person bringing the same or causing it to be brought, to take such part of the produce of such corn as will be equal to the money price expressed in the table of prices for grinding such corn, as herein-after required: Provided also, that nothing in this clause contained shall extend, or be construed to extend to the ancient mills commonly called soke mills, or to such other ancient mills where the right and obligation of the possessors of the same to grind corn for particular persons or within particular districts, and to take a fixed and certain toll for grinding, have been established by ancient custom and the law of the land, but that such mills shall continue to take toll in the same quantity and in the same manner as they have been used and accustomed to do under the authority aforesaid.

Act not to extend to soke mills or mills where a right to take toll has been established by custom and law.

VI. AND be it further enacted, that from and after the first day of June one thousand seven hundred and ninety-six every miller or other person who shall grind for hire or toll shall cause to be put up in some conspicuous place in his mill, and renew when necessary, in fair and legible characters, a table of the prices in money or of the amount of toll or multure for which the several operations of his mill are to be performed respectively; and every miller or other person as aforesaid who shall omit to set up and keep fair and legible such a table shall be liable to forfeit and pay any sum not exceeding twenty shillings for every such offence.

Millers to put up in their mills a table of prices, on penalty not exceeding 20s.

VII. PROVIDED always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to any mills kept for the private use of the proprietor or occupier only.

Act not to extend to private mills.

VIII. AND be it further enacted, that every penalty and forfeiture imposed by this Act shall and may be recoverable before any one or more justice or justices of the peace for the county, riding, division or place where the offence shall be committed, upon conviction or confession of the party, or on the oath of one or more credible witness or witnesses, and such penalty and forfeiture shall be levied by warrant under the hand and seal or hands and seals of such justice or justices, by distress and sale of the goods and chattels of the person or persons so offending, and the penalty and forfeiture when so levied shall be paid, one moiety to the informer and the other moiety to the poor of the parish where the offence shall be committed, and the overplus (if any), after the costs of such conviction and distress and sale are deducted, shall be returned to the party or parties offending; and in case such distress cannot be found, and such penalty and forfeiture and the said costs and charges shall not be forthwith paid, it shall and may be lawful for such justice or justices, and he and they is and are hereby authorized and required, by warrant under his or their hand and seal or hands and seals, to commit such offender or offenders to the common gaol or house of correction of the county or place where the offence shall be committed, for any time not exceeding one month, unless the said penalty and forfeiture and costs and charges shall respectively be sooner paid and satisfied: Provided always, that in case any person or persons shall find himself or themselves aggrieved by the judgement of any such justice or justices, then he or they shall or may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, division or place as aforesaid, who are hereby empowered finally to hear and determine the same; and in case the judgement of such justice or justices shall be affirmed it shall be lawful for such justices at their quarter sessions as aforesaid to award the person or persons to pay such costs occasioned by such appeal as to themselves shall seem meet, and no such judgement or conviction shall be removeable by certiorari into any court whatsoever.

Recovery and application of penalties.

Appeal may be made to the quarter sessions;

whose judgements shall not be removeable by certiorari.

IX. AND be it further enacted, that any information for any offence committed against this Act shall be laid before one or more justice or justices of the peace within ten days after the said offence has been committed, and that otherwise such information shall be of no effect.

Limitation of informations.

X. AND be it further enacted, that every such conviction before one or more justice or justices may be made in the following form :

Form of conviction.

' to wit. { **B**E it remembered, that on the                      day of  
   in the year                      A.B. was, upon the  
' complaint of C.D. convicted before                      of the justices  
' of the peace for                      in pursuance of an Act passed in the  
' thirty-sixth year of the reign of his Majesty King George the Third, for [or  
' as the case may be]. Given under                      hand and seal the day and  
' year above written.'

Which conviction shall be certified to the next general quarter sessions, there to be filed amongst the records of the county, riding or division.

Publick Act.

XI. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and shall be judicially taken notice of as such by all judges, justices and all other persons whomsoever, without specially pleading the same.

## CHAPTER LXXXVIII.

AN ACT to regulate the Buying and Selling of Hay and Straw, and for repealing so much of Two Acts made in the Second Year of the Reign of King William and Queen Mary and in the Thirty-first Year of the Reign of King George the Second as relate to the Buying and Selling of Hay and Straw within the Limits therein mentioned. [14th May 1796.]

Preamble.

**W**HEREAS many and great abuses are committed by salesmen and other persons selling hay and straw in the city of London and within the limits of the weekly bills of mortality, and other places within the vicinity thereof: And whereas the laws now in being are not sufficient to prevent the same: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of an Act made in the second year of the reign of King William and Queen Mary, intituled "An Act for paving and cleansing the " streets in the cities of London and Westminster, and suburbs and liberties " thereof, and out parishes in the county of Middlesex, and in the borough of " Southwark, and other places within the weekly bills of mortality in the " county of Surrey, and for regulating the markets therein mentioned," and also so much of an Act made in the thirty-first year of the reign of King George the Second, intituled "An Act to ascertain the weight of trusses of " straw, and to punish deceit in the sale of hay and straw in trusses, in London " and within the weekly bills of mortality, and within the distance of thirty " miles thereof, and to prevent common salesmen of hay and straw from " buying the same on their own account to sell again, and also to restrain " salesmen, brokers or factors in cattle from buying on their own account to sell " again any live cattle in London or within the weekly bills of mortality, or " which are driving up thereto," as relates to hay and straw, shall from and after the twenty-fourth day of June one thousand seven hundred and ninety-six be and the same are hereby repealed.

So much of  
2 Will. and  
Mar. sess. 2.  
c. 8.,

and of 31 Geo. 2.  
[c. 40.], as  
relates to hay  
and straw,  
repealed from  
24th June 1796.

II. AND be it further enacted, that no hay or straw whatever shall be sold in any market or place within the cities of London or Westminster or the weekly bills of mortality, or within thirty miles thereof, other than what is made up in bundles or trusses; and if any person shall sell any hay or straw other than what is made up in bundles or trusses within the cities or limits aforesaid, every person so offending and being convicted thereof shall for every such offence forfeit and pay the sum of twenty shillings.

No hay or straw to be sold within certain limits, except in trusses, on penalty of 20s.

III. AND be it further enacted, that each and every bundle or truss of hay sold in any market or place within the cities or limits aforesaid between the last day of August in any year and the first day of June in the succeeding year shall contain and be of the full weight of fifty-six pounds at least; and that every bundle or truss of hay sold within the cities or limits aforesaid between the first day of June and the last day of August in any year, being new hay of the summer's growth of that year, shall be and contain the full weight of sixty pounds, and being old hay of any former year's growth the weight of fifty-six pounds as aforesaid; and that each and every bundle or truss of straw sold within the cities or limits aforesaid shall contain and be of the full weight of thirty-six pounds; and that every load of hay or straw shall contain thirty-six bundles or trusses; and if any hay shall be sold within the cities or limits aforesaid whereof any bundle or truss shall be of less weight than aforesaid, every person so selling shall forfeit for every such truss or bundle of hay not being the full weight aforesaid any sum not exceeding the sum of five shillings nor less than two shillings and sixpence, and for every such truss or bundle of straw the sum of one shilling: Provided always, that no person shall be convicted in the penalty aforesaid for selling any bundle or truss of hay or straw deficient in weight as aforesaid where a load or any other or less quantity is sold at the same time to the same person, if the number of bundles or trusses so sold shall amount upon the whole to the average weight required as aforesaid.

Weight of trusses.

Penalties for selling trusses short of weight,

except where the trusses sold together to the same person amount on the whole to the average weight.

IV. AND be it further enacted, that every person who shall sell within the cities or limits aforesaid, between the first day of June and the last day of December in any year, any hay of the growth of that year as or for hay of the growth of any former year, shall forfeit and pay for each and every bundle or truss of hay so sold the sum of two shillings and sixpence.

Penalty for selling new for old hay.

V. AND be it further enacted, that each and every load, bundle or truss of hay or straw which shall be sold in the cities or limits aforesaid shall be made up with such hay or straw only as the same appears to be by the outside of every such load, bundle or truss; and that such hay or straw only, and not any inferior hay or straw, shall be deemed and taken to be the hay or straw which is to make up the weight of every bundle or truss; and every person who shall sell within the cities or limits aforesaid any load, bundle or truss of hay or straw, which shall in the inside thereof be of inferior goodness from what the outside shall appear to be, shall forfeit and pay any sum not exceeding five shillings nor less than two shillings and sixpence for every such bundle or truss of hay, and the sum of one shilling for every such bundle or truss of straw.

Trusses, &c. of hay or straw to be of one quality throughout.

Penalty for selling otherwise.

VI. AND be it further enacted, that the pair of bands with which any bundle or truss of hay shall be bound shall not exceed the weight of five pounds; upon pain that every person who shall sell any bundle or truss of

Penalty for selling hay with bands exceeding 5 lb. weight.

hay with bands of a greater weight shall for every such offence forfeit and pay the sum of one shilling, and also the further sum of one shilling for each and every pound weight that every such pair of bands shall weigh over and above the weight of five pounds.

Penalty for  
binding hay  
or straw in  
light trusses.

VII. AND be it further enacted, that if any person employed to bind hay or straw shall not bind up and make the same into bundles or trusses of such weight as is directed by this Act, every person so offending shall forfeit and pay the sum of sixpence for every bundle or truss of hay or straw not being of such weight.

Penalty on  
salesmen  
buying and  
selling on their  
own account  
hay or straw,  
or grass for hay.

VIII. AND be it further enacted, that no common salesman, factor or agent within the cities or limits aforesaid shall buy and sell on his own account or of any person or persons in trust for him any hay or straw whatsoever, or any grass of any kind or description growing or making into hay; on pain of forfeiting for each and every fifty-six pounds weight of hay so bought and sold five shillings, and for each and every thirty-six pounds weight of straw so bought and sold two shillings, and also for each and every acre of such grass growing or making into hay so bought and sold a sum of money not exceeding five pounds nor less than fifty shillings.

Salesmen  
within 7 days  
to send to the  
owner an ac-  
count of the  
place, time  
and price of  
hay or straw  
sold, and of  
the purchaser,  
on penalty.

IX. AND be it further enacted, that every common salesman, factor or agent for the sale of hay or straw within the cities or limits aforesaid shall, within seven days next after the sale of every load or other quantity of hay or straw, send to the person or persons on whose account the same shall have been sold a just and true account under his hand of the place where, time when, and the price for which the same was sold, and also the name and place of abode of the purchasers thereof; on pain of forfeiting for every neglect or omission a sum of money not exceeding twenty shillings nor less than ten shillings.

A register to  
be kept in  
markets for  
entering sales  
of hay and  
straw, which  
shall be open  
for inspection.

X. AND be it further enacted, that in every market for the sale of hay or straw within the cities or limits aforesaid there shall be kept a publick book or register for entering and registering therein an account of all hay and straw which shall be from time to time sold in any such market; and that in and for the city of London such book or register shall be kept by the clerk or toll gatherer for the time being appointed by the Lord Mayor, commonalty and citizens in the said city; and that in and for every other such market within the city of Westminster and limits aforesaid such book or register shall be kept by the clerk or toll gatherer appointed within their several jurisdictions; and that before six of the clock in the evening on the day of the sale of any hay or straw exceeding four trusses in one quantity within the cities or limits aforesaid in any market, and within seven days after any such sale in the said cities and limits out of any market, there shall be made by the seller thereof a true and faithful entry in the book or register of the market in which such hay or straw shall be sold, or where the same shall be sold out of any market, in the book or register of the market nearest to the place of sale, distinguishing the true names and places of abode of the persons so selling, and for whom sold, and by whom and on whose account the same shall have been bought, and the place where sold, and the true price paid or agreed to be paid for the same, which entry shall be subscribed by each seller of hay or straw, for which entry shall be paid to the keeper of the book or register the sum of one penny; and that every such book or register shall be kept at some convenient place in every such market for the sale of hay and straw within



the cities and limits aforesaid, and shall at all times between the hours of nine of the clock in the morning and six of the clock in the evening of each and every day (Sunday excepted) be open for the inspection of every person applying to inspect the same, paying for every such inspection the sum of one penny; and in case any seller of hay or straw shall omit to make the proper entry required by this Act, or the keeper of any book or register for the purposes aforesaid shall knowingly suffer any untrue entry to be made or signed therein, or shall refuse to permit such book or register to be inspected by any person applying and tendering payment of the fee for such inspection, every such seller of hay or straw or keeper of such book or register so offending shall on conviction for every such offence forfeit and pay a sum of money not exceeding five pounds nor less than ten shillings.

Penalty for not making due or making untrue entry, or for refusing inspection of register.

XI. PROVIDED also, and be it further enacted, that nothing in this Act contained shall oblige any person to register any hay or straw which he shall deliver in the cities or limits aforesaid on special contract or agreement, but such hay and straw only which shall be sent to any market or place within the said cities and limits to be there sold, and which shall be accordingly there sold, shall be registered as before is directed, any thing in this Act before contained to the contrary thereof in anywise notwithstanding.

Act not to extend to hay or straw delivered on special contract.

XII. PROVIDED always, and be it enacted, that no clerk or toll gatherer or his deputy within the cities and limits aforesaid shall buy or sell or be concerned in the buying or selling of hay or straw within the cities or limits aforesaid, under the penalty of two shillings and sixpence for every bundle or truss of hay so bought or sold by him or in the buying or selling of which he shall be so concerned, and of one shilling for every such bundle or truss of straw.

Penalty on clerk or toll gatherer buying or selling hay or straw.

XIII. AND be it further enacted, that there shall be provided by every clerk or toll gatherer within the cities or limits aforesaid, and kept at the office of the clerk of every hay market within the said cities or limits, as also at the watch house of each and every parish within the limits thereof, by the churchwardens and overseers of such parishes respectively, proper scales and weights or engines for the weighing all hay and straw which shall be required to be weighed; and such clerk or toll gatherer of the hay market or his deputy, and the constable or headborough of the parish or place where such scales, weights and engines shall be kept, are hereby appointed hay weighers within their respective parishes and places; and if any doubt shall at any time arise whether any hay or straw sold in the cities or limits aforesaid is not of the weight the same ought to be, then it shall be lawful for the buyer thereof, his servant or agent, on the delivery of any such hay or straw at the abode, yard or loft of the buyer, or other place where the same shall be agreed by the seller to be delivered, to cause the same to be weighed in the presence of the seller or his servant or agent; and if on the same being so weighed the buyer or seller of any such hay or straw, his servant or agent, shall be dissatisfied with any such weighing, it shall be lawful for any such buyer, his servant or agent, if the hay be delivered within a parish where there is any hay market, with all convenient speed to apply to the clerk or toll gatherer or his deputy of such market, and if the hay be delivered in any other parish within the cities or limits aforesaid, to apply to the hay weigher nearest to the place where any such hay or straw shall be delivered, to

Scales and weights to be kept at the clerk of the market's office and at the parish watch house.

Clerk or toll gatherer to be hay weigher.

Buyer of hay or straw may cause it to be weighed on delivery.

Directions for weighing it in case of dissatisfaction.

weigh the same, and on any such application being made, such clerk or toll gatherer or his deputy, or other hay weigher who shall be applied to, shall with all convenient speed come to the place where such hay or straw shall be within the limits aforesaid, and shall there weigh such hay or straw as shall be complained of, and the weight thereof which shall be ascertained by any such clerk or toll gatherer or his deputy, or other hay weigher, shall be conclusive to all parties; but in case the clerk or toll gatherer of any market or his deputy shall not upon such application as aforesaid come with all convenient speed to the place where such hay or straw shall be delivered, it shall be lawful for the buyer, his servant or agent, to apply for the purposes aforesaid to such other hay weigher as shall be nearest to the place where any such hay or straw shall be delivered; and the person who shall require any such clerk, toll gatherer or his deputy, or other hay weigher, to attend and weigh any such hay or straw, shall pay or tender to such hay weigher the sum of three shillings for a load, or in proportion for a greater or less quantity, before he shall be obliged to go to weigh any such hay or straw; and if the hay or straw which shall be so weighed shall not be of the due weight the same ought to be, then the sum so paid shall be forthwith repaid to him by the seller of such hay or straw; and if any clerk or toll gatherer, churchwarden or overseer within the limits aforesaid shall omit to provide and keep proper scales and weights or engines for the weighing of hay or straw, or if any clerk, toll gatherer or his deputy or other hay weigher shall neglect or refuse to weigh any hay or straw when required at any seasonable time in the day time, and so as the sum aforesaid shall have been paid or tendered, every such person offending therein shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than ten shillings.

Penalty for not providing scales and weights, or for neglecting to weigh hay or straw.

No penalty to be incurred for selling hay or straw under weight, or of bad quality, unless weighed or complained of at or before delivery, &c.

XIV. PROVIDED always, and be it further enacted, that no person shall incur any penalty for selling any hay or straw of less weight or worse quality than the same ought to be, unless such hay or straw shall be weighed either at or before the delivery, with the privity of the buyer, his servant or agent, or complained of in respect of the quality thereof at the time and place at which the same shall be agreed to be delivered by the seller, in the presence of such seller, his servant or agent, unless such seller, his servant or agent, on request made, or on notice given to him or them to attend to see such hay or straw so weighed, shall refuse or neglect to attend to see the same so weighed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Hours at which markets shall end, of which notice shall be given by ringing a bell, on penalty.

XV. [1] AND be it further enacted, that the markets for sale of hay and straw within the cities and limits aforesaid shall end at three of the clock in the afternoon of every market day between Lady Day and Michaelmas, and at two of the clock in the afternoon of every market day between Michaelmas and Lady Day, and that notices thereof shall be given by the clerk or toll gatherer or his deputy in the several markets or places for the sale of hay and straw within the cities and limits aforesaid, by ringing on the usual market days a large hand bell round each respective market or

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[1] Rep., so far as regards any market for the sale of hay, straw and clover through which there does not exist by law any public right of way for carts and carriages, 4 & 5 Will. 4. c. 21.]

place for the sale of hay or straw one hour before the expiration of the times above-mentioned, and again at the expiration of the hours above-mentioned, on pain of forfeiting for every such offence a sum of money not exceeding ten shillings, nor less than five shillings; and every person who shall sell any hay or straw in any market within the cities or limits aforesaid, after the hours aforesaid, shall forfeit for every bundle or truss of hay so sold the sum of sixpence, and for every bundle or truss of straw so sold the sum of three-pence.

Penalty for  
selling after  
market hours.

XVI. [A] AND be it further enacted, that if any person having the care or direction of any waggon, wain or cart used for the purpose of bringing hay or straw shall suffer the same to remain in any market or place for the sale of hay and straw within the cities and limits aforesaid on the usual market days from Lady-day to Michaelmas after five of the clock in the afternoon, and from Michaelmas to Lady-day after three of the clock in the afternoon, in any year, every person so offending shall forfeit for every such waggon, wain or cart so left as aforesaid a sum of money not exceeding twenty shillings nor less than five shillings.

Penalty for  
letting hay  
carts remain  
in hay markets  
after certain  
hours.

XVII. AND be it further enacted, that if any person having the care or direction of any waggon, wain or cart in any market or place for the sale of hay or straw within the cities or limits aforesaid shall permit or suffer the horse or horses drawing the same to feed and remain in any such market or place for the space of fifteen minutes during the hours allowed for sale of hay or straw, under any pretence whatsoever, every person so offending shall for every such offence forfeit and pay a sum of money not exceeding twenty shillings nor less than five shillings.

Penalty for  
permitting  
horses drawing  
carts to  
remain in a  
hay or straw  
market 15  
minutes during  
market hours.

XVIII. AND be it further enacted, that no person whatsoever shall buy and sell again any hay or straw that shall or may be conveying by land or water carriage for the purpose of selling within the cities or limits aforesaid, and that every person so offending shall forfeit for every truss of hay or straw so bought and sold the sum of five shillings; and no person shall buy any hay or straw in any market or place for the sale of hay or straw, for the purpose of selling again in any such market or other place within the cities or limits aforesaid, and every person so offending shall for every truss of hay or straw so bought forfeit and pay the sum of five shillings: Provided always, that no person selling hay or straw by retail at their own premises, in any less quantity than five trusses as aforesaid, shall be liable to such last mentioned penalty.

Penalty for  
buying and  
selling again  
hay or straw  
conveying to  
be sold within  
the limits of  
the Act, or  
buying in a  
market place  
to sell again  
therein.

XIX. AND be it further enacted, that if any person within the cities or limits aforesaid shall, after having purchased for or sent in or delivered to any person by whom or on whose account he may have been so employed to purchase any hay or straw, charge or demand a greater price than what was really and truly paid or agreed to be paid for any such hay or straw, every person so offending shall forfeit and pay the sum of five shillings for every bundle or truss of hay or straw so purchased, sent in or delivered.

Penalty on  
agents for  
charging their  
principals more  
than they have  
actually paid.

XX. AND be it further enacted, that if any person shall sell any quantity of hay or straw within the cities or limits aforesaid, and shall afterwards send

Penalty for  
delivering  
other than

[\* Rep., so far as regards any market for the sale of hay, straw and clover through which there does not exist by law any public right of way for carts and carriages, 4 & 5 Will. 4. c. 21.]

the commodity  
sold.

in or deliver or tender to the buyer thereof, as and for the hay or straw so sold, any other hay or straw in part or in whole, every person so offending shall forfeit and pay the sum of ten shillings for every bundle or truss of hay, and the sum of five shillings for every bundle or truss of straw so sent in, delivered or tendered as aforesaid.

Penalty for  
fraudulently  
increasing  
weight.

XXI. AND be it further enacted, that if any person shall knowingly and fraudulently mix or put, or cause to be mixed or put, any water, or any sand, earth or any other matter or thing, in any bundle or truss of hay or straw, with an intent to increase the weight thereof, and shall afterwards sell, send in and deliver the same or any part thereof within the cities or limits aforesaid, or if any person shall sell any quantity of hay or straw within the cities or limits aforesaid, and shall afterwards mix or put or cause to be mixed or put in the bundles or trusses of such hay or straw, water, sand, earth or any other matter or thing, with an intent to increase the weight thereof or any part thereof, and shall afterwards send in or deliver or tender to the buyer thereof any such hay or straw, every person so offending shall forfeit and pay the sum of ten shillings for every bundle or truss of hay, and the sum of five shillings for every bundle or truss of straw so sent in, delivered or tendered as aforesaid.

Penalty for  
delivering less  
than the num-  
ber of trusses  
sold.

XXII. AND be it further enacted, that if any person selling any hay or straw, in any market or place within the cities or limits aforesaid, shall deliver to or tender to or for or on account of the buyer thereof a less number of bundles and trusses of hay or straw as or for the true number bought and sold, or if the driver of the waggon, wain or cart, in which such hay or straw shall be for the purpose of being delivered according to such sale, shall secrete, keep back or withhold any part of the said hay or straw, or shall deliver a less number of bundles or trusses to the buyer, such driver or person selling knowing the same so delivered not to be the true number bought or which ought to be delivered according to such sale, every driver or person selling so offending shall forfeit and pay the sum of five pounds for every bundle or truss of hay or straw so secreted, kept back, withheld or not delivered, and in default of immediate payment of any such penalty by any such driver, on conviction before any justice of the peace in whose jurisdiction the offence shall have been committed, such driver or person selling shall be forthwith sent by warrant under the hand and seal of such justice to the house of correction or other prison within the jurisdiction of such justice, there to remain and be kept to hard labour, without bail or mainprize, for any space of time not exceeding three months nor less than one month, unless the said penalty should be sooner paid, any thing herein-after contained to the contrary thereof in anywise notwithstanding.

Penalty for  
not bringing  
to the market  
on the ensuing  
market day,  
hay or straw  
exposed and  
not sold on any  
market day, or  
brought for sale  
between two  
market days,  
and lodged  
near the  
market.

XXIII. AND be it further enacted, that if any person or persons, after having brought or received any hay or straw for sale, or exposed any hay or straw to sale on a market day, in any market or place for sale of hay or straw within the cities or limits aforesaid, which shall not be sold, shall thereupon lodge the same in any place near to such market or place as aforesaid, and shall not, if the same be not before that time sold, bring and expose the said hay or straw for sale in such market or place by eleven of the clock in the forenoon of the next ensuing market day, or if any person lodging any hay or straw as aforesaid which shall be brought to any place for the purpose of sale on a bye day or a day between the usual market days shall not, if the

same be not before that time sold, bring and expose all such hay or straw for sale in such market near to where the same was lodged, on the following market day by the same hour as aforesaid, or as soon after as the weather will permit without endangering the spoiling or injuring the same, every person so offending shall forfeit and pay for every such offence any sum of money not exceeding five pounds, nor less than forty shillings.

XXIV. AND be it further enacted, that if any person who shall have been concerned in buying or selling any hay or straw within the cities or limits aforesaid shall give, take or receive any false or untrue receipt, ticket or memorandum of the price of any hay or straw so sold or bought as aforesaid, expressive of a greater or less price than what the same was really and truly sold for or bought, every person so offending shall for every such offence forfeit and pay any sum not exceeding ten pounds, nor less than five pounds, upon complaint being made to any justice of the peace within whose jurisdiction the offence shall have been committed at any time within six calendar months after such offence committed, any thing herein-after contained to the contrary thereof in anywise notwithstanding: Provided always, that if any person offending in either of the cases aforesaid shall, within the said space of six calendar months, give information of and prosecute to conviction any other person so offending, such informer shall be indemnified from the penalty herein-before mentioned.

Penalty for giving or receiving false receipts of the price of hay or straw sold.

Exception in favour of offenders informing against others.

XXV. PROVIDED always, and be it further enacted, that no person shall be prosecuted for any of the before-mentioned offences, except where it has been or shall be herein otherwise expressed, unless information of any such offence be given to the proper magistrate, within fourteen days next after the commission of such offence.

Limitation of prosecutions.

XXVI. AND for the more speedy recovery of all and every forfeiture which shall be incurred under this Act, and for the disposing thereof, be it further enacted, that on complaint or information being made to any justice of the peace of any offence committed against this Act within the jurisdiction of such justice, such justice is hereby required and authorized to summon the person or persons charged with any such offence, and also any witness or witnesses for the same, at a certain time and place in such summons to be specified, and in default of appearance of the party so summoned, on its being made appear to the said justice upon oath that such summons was duly served upon or left at the usual place of abode of the party summoned, then every such justice is hereby authorized and required to proceed to hear and determine the matter of the said complaint, by the oath or oaths of any one or more credible witness or witnesses, and to convict the respective offender, and to award and adjudge the respective penalties imposed by this Act to be paid by such offender, together with the reasonable costs and charges attending such conviction, to be ascertained and allowed by such justice, and by warrant under the hand and seal of such justice to cause the same to be levied by distress and sale of the goods and chattels of every such offender, unless within five days from the day of making such distress the party or parties offending shall pay the penalty and costs to be incurred in such warrant, and likewise the costs and charges of such distress, rendering the overplus (if any) to the said offender; and if any offender against this Act shall not have any goods or chattels within the jurisdiction of such justice

Recovery of penalties.

Offenders may be committed for want of distress.

whereon such levy can be made, such justice before whom such conviction shall be had is hereby empowered and authorized to issue his warrant for apprehending such offender ; and in case such offender shall escape or go out of the jurisdiction of such justice, it shall and may be lawful for any other justice of the peace of the county or place where such offender shall be found, by indorsement of such warrant, to authorize the execution thereof within the jurisdiction of such justice, as well as to convey the offender before the justice who granted such warrant, who may commit him to some publick prison or house of correction of the county or place in which such offence shall have been committed, there to remain, without bail or mainprize, for any term not exceeding three calendar months, nor less than fourteen days, from the time of every such commitment, unless in cases otherwise provided for by this Act, and unless such offender shall sooner pay the sum to be mentioned on every such warrant of commitment; and in all cases where any person shall be brought as a witness touching any matter contained in this Act, by any summons or warrant, before any justice, and shall refuse to be examined, such justice may commit any such person to some prison of the county or place within the jurisdiction of such justice, for any time not exceeding fourteen days from the time of every such commitment.

Witnesses refusing to be examined may be committed.

Salesman convicted of offences may exhibit complaint against employer before a justice, who may determine the matter,

XXVII. PROVIDED always, and be it further enacted, that when and as often as it shall happen that any salesman or salesmen shall in manner aforesaid be convicted of any offence against this Act, and thereby become subject to the payment of any of the penalties before mentioned, it shall be lawful for any such salesman to exhibit his complaint or information against the farmer or other person for whom or on whose account he shall have sold the hay or straw (on account of which such salesman or salesmen shall have been so convicted), before some justice of the peace within the jurisdiction in which such hay or straw shall have been so sold ; and such justice is hereby required to summon such farmer or other person, and also any witness or witnesses, to appear before him the said justice, on a day to be appointed and named in the said summons (not less than seven days after the issuing of such summons), although such farmer or other person against whom such information shall be laid may happen to reside out of the county, city, borough, division or liberty, in which such hay or straw may have been so sold ; and on its being made appear to the said justice on oath that such summons was duly served upon or left at the usual place of abode of the party summoned, then every such justice is hereby authorized and required to proceed to hear and determine the matter of the said complaint or information, in like manner as is herein-before provided and directed for hearing of complaints against salesmen ; and if it shall appear to the satisfaction of such justice that such salesman shall not have been guilty of or privy to any fraud or deceit in the premises, but that such fraud or deceit was imputable to such farmer or other person so complained against as aforesaid, then such justice is hereby authorized and required to award to such salesman the amount of the penalty so by him paid as aforesaid, together with full costs and charges, as well those occasioned by the complaint against him as by such subsequent complaint against such farmer or other person, such costs and charges to be first ascertained and allowed by such justice, and to adjudge the said farmer or other person, the owner of the said hay or straw, to pay the same ; and the

and award amount of penalty with costs, &c. against employer,

said justice is hereby authorized and required, by warrant under his hand and seal, to cause the same to be levied in like manner as penalties and forfeitures are by this Act directed to be levied and recovered.

which may be levied by distress.

XXVIII. PROVIDED always, and be it enacted, that whenever the party against whom such warrant of distress shall be granted shall happen to reside in another county, city, borough, division or liberty, out of the jurisdiction of such justice, that then and in such case such warrant shall not be executed or put in force until after it shall be endorsed by some justice of the county, city, borough, division or liberty, to which such summons shall be directed; and all and every the justice and justices of such county, city, borough, division or liberty, are hereby required to endorse the same, on due proof of the hand writing of the justice by whom such warrant was issued, and such warrant when so endorsed shall and may be executed in like manner as if the same had been originally granted by a justice of that city, borough, division or liberty, in which such farmer or other person shall reside: Provided nevertheless, that every such complaint or information shall be made within fourteen days after the conviction of such salesman as aforesaid and not afterwards; and if it shall appear to the said justice on hearing the case that such complaint so made by the salesman as aforesaid is frivolous and unfounded, it shall be lawful for such justice to award all reasonable charges and expences by way of costs to be paid to the said farmer or other person, provided he shall attend the said summons, as the said justice shall think right according to the circumstances of the case, such costs to be levied on the salesman so complaining in like manner as is herein-before directed.

Warrant of distress to be indorsed by a justice of the peace where the party resides.

Complaint to be made within 14 days after conviction of the salesman; and if frivolous, the justice may award costs to the employer.

XXIX. PROVIDED always, and be it enacted, that if any person convicted of any offence punishable by this Act shall think him, her or themselves aggrieved by the judgement or determination of any such justice as aforesaid, such person may appeal against the same to the justices at the general or general quarter sessions of the peace of the county or place in which any such conviction shall have been made which shall be held next after any such conviction, unless such next general or general quarter sessions of the peace for any such county or place shall happen to be held within six days next after any such conviction; and if any such general or general quarter session of the peace shall happen to be so held within the said space of six days next after any such conviction, then it shall be lawful for any such person, at the second general or general quarter sessions of the peace which shall be held for any such county or place next after any such conviction, so that the party appearing, before any such appeal shall be received, immediately upon such conviction enter into a recognizance, with two sufficient sureties, before such justice so convicting as aforesaid, in the sum of ten pounds each, to appear and prosecute every such appeal with effect; and the justices of the peace at such general or general quarter session of the peace are hereby authorized and required, on every such appeal being made, finally to hear and determine the matter of every such appeal, and to make such order and to award such costs therein as they in their discretion shall seem meet; and which said order and determination shall be final and conclusive to all parties, and no certiorari shall be allowed to remove any such proceedings or determination.

Appeal may be made to the quarter sessions;

whose order shall be final.

XXX. AND be it further enacted, that every penalty and forfeiture by this Act imposed shall, when recovered, go and be paid to the person or persons

Penalties to go to the prosecutor.

who shall prosecute to conviction any offender or offenders against this Act.

Limitation of actions.

General issue.

Double costs.

XXXI. AND be it enacted, that no person shall be sued or prosecuted for any thing done in pursuance or in execution of this Act after the expiration of six months from the offence committed, and every such suit or prosecution shall be brought in the county or place where such offence shall have been committed; and every person so sued shall and may plead the general issue, not guilty, and may give this Act and the special matter in evidence at any trial to be had thereupon; and if a verdict shall be found for the defendant or defendants, or if the plaintiff shall become nonsuit or discontinue his action after the defendant shall have appeared, or if judgement shall be given upon a demurrer against the plaintiff or plaintiffs, the defendant or defendants in every such action shall recover double costs, and have the like remedy for the same as defendants have in other cases for recovery of their costs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

### 37 GEORGE III. A.D. 1796-7.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWELFTH DAY OF JULY,  
A.D. 1796,  
IN THE THIRTY-SIXTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTY-SEVENTH DAY OF SEPTEMBER, A.D. 1796,  
BEING THE FIRST SESSION OF THE EIGHTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XXV.

AN ACT for the better raising and ordering the Militia Forces of the Tower Hamlets, in the county of Middlesex. [\*] [30th December 1796]

Preamble.

Constable of the Tower, and lieutenant of the Tower Hamlets, &c. may arm and exercise the militia of the Hamlets according to 36 Geo. 3. c. 107, the

WHEREAS it is expedient to vary the mode of raising the militia within and for the liberty or district of the Tower division in the county of Middlesex, commonly known by the name of the Tower Hamlets: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty's constable of the Tower and lieutenant of the Tower Hamlets for the time being, and in the absence of the said constable or lieutenant out of the kingdom, or in case of vacancy of the office of lieutenant, the deputy lieutenants of the said Hamlets, authorized by his Majesty, or any three or more of them for the time being, or the major part of them, assembled at any publick meeting or court of lieutenancy to be called for that purpose, and they are hereby respectively empowered and required, to

[\* Rep., so far as relates to property qualifications of officers of militia, Stat. Law Rev. Act, 1871.]



call together, arm, array and cause to be trained and exercised such persons within and for the said Tower Hamlets in such manner as in and by an Act passed in the twenty-sixth year of the reign of his present Majesty, intituled “ An Act for amending and reducing into one Act of Parliament the Laws “ relating to the Militia in that part of Great Britain called England,” is directed with respect to the several counties, cities and places in the said Act named ; and that, from and after the passing of this Act, all the powers and authorities given and granted by the said Act of the twenty-sixth year aforesaid, or by any subsequent Act or Acts of Parliament relating to the militia forces of this kingdom, and also all powers, provisions, rules, regulations, penalties, forfeitures, bounties, allowances, clauses, matters and things contained in any such Act or Acts, shall be applied, practised and put in execution with respect to the militia to be raised within and for the said Hamlets in as full and ample a manner as if the said powers, authorities, provisions, rules, regulations, penalties, forfeitures, bounties, allowances, clauses, matters and things had been expressly enacted in and by this Act, save and except all such matters and things as are herein-after otherwise declared and provided ; . . . . .

provisions of which Act and of any subsequent Militia Acts shall extend to them.

\* \* \* \* \*  
III. AND be it further enacted, that the said constable and lieutenant, and in his absence or on any vacancy as aforesaid, three or more deputy lieutenants at a publick meeting as aforesaid, may and shall appoint a clerk and messenger and also such militia officers as have been usually appointed for the said Hamlets, . . . . .

Constable, &c. to appoint a clerk and messenger, and officers.

\* \* \* \* \*  
V. AND be it further enacted, that the several persons residing within the said Tower Hamlets, and all high and petty constables, headboroughs and other peace officers of and for all and every part of the said Hamlets, shall be subject to the like duties, restrictions, penalties and punishments as persons residing in the several counties at large, and the peace officers acting within and for the same, are by any laws now in being relating to the militia forces subject or liable to.

Residents in the Hamlets and peace officers to be subject to the like duties, &c. as in counties at large.

\* \* \* \* \*  
VII. PROVIDED always, and be it further enacted, that it shall be lawful for the said constable or lieutenant and deputy lieutenants, or any three or more of them respectively as aforesaid, to continue to raise and levy in every year the proportion of one month’s assessment of trophy money within the said Hamlets, as he or they have been used to do by virtue and in pursuance of the said Act passed in the thirteenth and fourteenth years of the reign of his late Majesty King Charles the Second. [•]

Constable, &c. may continue to raise trophy money.

VIII. AND be it further enacted, that the estates requisite for the qualification of the deputy lieutenants and officers of the militia for the Tower Hamlets shall be as follows ; (that is to say,) every deputy lieutenant shall be seised or possessed either in law or equity, for his own use and benefit, in possession, of a freehold, copyhold or customary estate for life or for the life of his wife (she having a freehold, copyhold or customary estate for her life), or for some greater estate, or of an estate for some long term of years determinable on one

Qualification of deputy lieutenants.

or more life or lives, or of an estate for a term originally granted for twenty-one years or more, in manors, messuages, lands, tenements and hereditaments, in any part of the kingdom called Great Britain, of the yearly value of one hundred pounds, or shall be heir apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of two hundred pounds ; . . . . .

Estates granted for 20 years of annual value equal to those required for qualifications to be sufficient qualification.

IX. AND be it further enacted, that a person possessed either in law or equity, for his own use and benefit, in possession, of an estate for a certain term, originally granted for twenty years or more, of an annual value (over and above all rents and charges payable out of or in respect of the same) equal to the value of such an estate as is required for the qualification of a deputy lieutenant and commissioned officer of the militia respectively, shall be and is hereby deemed and declared to be sufficiently qualified to act in the execution of this Act.

No deputy lieutenant, &c. to be appointed till his qualification be delivered to the clerk of the peace, &c.

X. AND be it further enacted, that no person shall hereafter be appointed to be deputy lieutenant of the Tower Hamlets aforesaid, or be appointed to a higher rank in the militia than that of a lieutenant, until he shall have delivered in to the clerk of the peace for the liberties of the Tower, or (in his absence) to his deputy, a specific description in writing, signed by himself, of his qualification, stating the county, parish or place in which the estate or estates which from his qualification is or are situate ; and the clerk of the peace or his deputy shall transmit to the lieutenant of the said Hamlets a copy of such description ; and no commission granted after the passing of this Act for a higher rank in the militia than that of lieutenant shall be valid unless it be declared in the commission that the officer to whom the commission is given hath delivered in his qualification as above directed.

Clerk of the peace to enter qualifications in a roll, and insert dates of commissions, &c. in the Gazette.

XI. AND be it further enacted, that the clerk of the peace for the liberties aforesaid shall and he is hereby required to enter the qualification transmitted to him, according to the directions of this Act, upon a roll to be provided and kept for that purpose, and to cause to be inserted in the London Gazette the dates of the commissions and names and ranks of the officers appointed, together with the names of the officers in whose room they shall be appointed, if the case shall require the same, in like manner as commissions in the army are directed to be published from the War Office, and he is hereby authorized to charge the expence of such insertion in the Gazette for each commission to the treasurer for the time being of the county of Middlesex, who is hereby directed to pay the same ; . . . . .

Penalty on persons unqualified, or who have not delivered in their qualifications, for acting, &c.

XII. AND be it further enacted, that if any person shall execute any of the powers hereby directed to be executed by deputy lieutenants, . . . . . not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is herein-before required, every such person shall forfeit and pay the sum of one hundred pounds ; . . . . . one moiety of which said several penalties shall go to the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of the person who shall sue for the same ; and in every such action, suit or information the proof of his qualification shall be upon the person against whom the same is brought.

Indictments to be heard and determined

XIII. AND be it further enacted, that all indictments and prosecutions for any offence committed within any part of the said Tower Hamlets relating

to the said militia laws, or to any offence committed against this Act, or in disobeying the order or orders of the justice or justices of the peace herein-after mentioned, shall be preferred before and heard and determined by the justices assembled at some general quarter sessions of the peace to be holden for the said liberties of the Tower, or the major part of them so assembled, and not elsewhere; which said justices are hereby empowered to hear and determine the same and to make and give such order and judgement therein and to inflict such punishment in consequence thereof as in the like cases by law is now used or directed; and all high and petty constables and other peace officers of and for all and every or any part of the said Tower Hamlets are hereby directed and required to execute all and every order and orders of the said justices in all or any of the premises aforesaid.

by the general  
quarter session  
for the Tower  
liberties.

XIV. AND be it further enacted, that when any summons, warrant, conviction, order, judgement or other matter or thing, in the execution of this Act or of the said militia laws, be so made and done by the justice and justices of the peace for the Tower liberties, who are hereby empowered and directed to hear and determine the same, and to make such summons, warrant, conviction, order, adjudication and judgement therein as to law doth appertain, all and every the high and petty constables and other peace officers aforesaid are hereby directed to obey the order of the said justice and justices therein.

Peace officers  
to obey the  
order of the  
justices of the  
said liberties.

XV. PROVIDED also, and be it further enacted, that any justice or justices of the peace for the said liberties may act in the execution of the premises aforesaid, notwithstanding he may be a deputy lieutenant of the said Hamlets or officer in the said militia; and that any such justice of the peace for the said liberties of the Tower dwelling or being within the said Hamlets may act for the said liberties in the execution of this Act, or in any other case whatsoever relating to the said militia laws, at any place within the said Hamlets.

Deputy lieutenants or  
officers who  
are justices may  
act as such.

XVI. AND be it further enacted, that if any person or persons shall think him, her or themselves aggrieved by the act of any justice or justices of the peace as aforesaid, he, she or they may appeal to the general quarter sessions of the peace to be holden in and for the said liberties, or any adjournment thereof, within three calendar months next after the cause of such complaint shall arise, such appellant first giving ten days notice in writing to the justice or justices by whose act or acts such person or persons shall think himself, herself or themselves aggrieved, of his, her or their intention to appeal, and at the same time entering into a recognizance before some justice of the peace for the said liberties, with two sufficient sureties, conditioned to try such appeal at and abide the order of and to pay such costs as shall be awarded by the justices at such sessions; which said justices at or in such sessions or at any adjournment thereof, or at any subsequent sessions, upon due proof of notice being given as aforesaid and of the entering into such recognizance, shall and are hereby empowered to hear and determine the causes and matters of such appeal in a summary way, and to award such costs to the parties appealing or appealed against, and to make such order and orders therein as the said justices shall think necessary, which said determination shall be binding, final and conclusive to all intents and purposes whatsoever:

Appeal may  
be made to  
the general  
quarter sessions.

Proceedings  
not to be  
quashed for  
want of form,  
or be removed  
into any court.  
24 Geo. 2.  
[c. 44.] to  
extend to per-  
sons acting in  
execution of  
this Act.

Provided always, that no proceedings to be had or taken by any justice or justices of the peace in the execution of this Act shall be vacated or quashed for want of form, or be removed or removeable into any court by certiorari or other writ or process whatsoever.

XVII. AND be it further enacted, that the Statute made in the twenty-fourth year of the reign of his late Majesty King George the Second, intituled "An Act for rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants," shall extend to the deputy lieutenants, justices of the peace, constables, headboroughs, peace officers and other persons whatsoever acting under the authority or in the execution of this Act, or in anywise aiding or assisting therein.

Plaintiff not to  
recover costs  
or more than  
nominal  
damages  
where injury  
was not ma-  
liciously done.  
Publick Act.

XVIII. AND be it further enacted, that when a verdict shall be given for the plaintiff in any action or suit brought after notice shall have been given pursuant to the said statute, and it shall not appear to the court that the injury complained of was maliciously done, the plaintiff shall recover no costs nor more than two-pence damages.

XIX. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and be taken notice of and allowed in all courts whatsoever, without the same being specially pleaded.

General saving.

XX. SAVING always, to the King's most excellent Majesty, his heirs and successors, and to the constable or lieutenant of the said Hamlets for the time being, and the officers and ministers of the same or of any part thereof, and to the governor of the fort of the Tower for the time being, and the officers and ministers of the same, and to all other person and persons whatsoever, all jurisdictions, powers, privileges, exemptions and immunities whatsoever belonging or heretofore used or enjoyed.

## CHAPTER LXX.

AN ACT for the better Prevention and Punishment of Attempts to seduce Persons serving in His Majesty's Forces by Sea or Land from their Duty and Allegiance to His Majesty, or to incite them to Mutiny or Disobedience.  
[6th June 1797.]

Preamble.

WHEREAS divers wicked and evil disposed persons, by the publication of written or printed papers and by malicious and advised speaking, have of late industriously endeavoured to seduce persons serving in his Majesty's forces by sea and land from their duty and allegiance to his Majesty, and to incite them to mutiny and disobedience: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, any person who shall maliciously and advisedly endeavour to seduce any person or persons serving in his Majesty's forces by sea or land from his or their duty and allegiance to his Majesty, or to incite or stir up any such person or persons to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traiterous or mutinous practice whatsoever, shall, on being legally convicted of such offence, be ad-

Any person  
who shall at-  
tempt to seduce  
any sailor or  
soldier from his  
duty or incite  
him to mutiny,  
&c. to suffer  
death.

judged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

II. PROVIDED always, and be it enacted by the authority aforesaid, that any offence committed against this Act, whether committed on the high seas or within that part of Great Britain called England, shall and may be prosecuted and tried before any court of oyer and terminer or gaol delivery for any county in that part of Great Britain called England, in such manner and form as if the said offence had been therein committed.

Where offences may be prosecuted.

III. PROVIDED always, and it is hereby declared and enacted, that any person who shall be tried and acquitted or convicted of any offence against this Act shall not be liable to be indicted, prosecuted or tried again for the same offence or fact as high treason or misprision of high treason; and that nothing in this Act contained shall be construed to extend to prevent any persons guilty of any offence against this Act, and who shall not be tried for the same as an offence against this Act, from being tried for the same as high treason or misprision of high treason, in such manner as if this Act had not been made.

Persons tried for offences against this Act not to be tried again for the same as high treason or misprision of high treason, &c.

## CHAPTER CXXIII.

AN ACT for more effectually preventing the administering or taking of unlawful Oaths. [19th July 1797.]

**W**HEREAS divers wicked and evil-disposed persons have of late attempted to seduce persons serving in his Majesty's forces by sea and land and others of his Majesty's subjects from their duty and allegiance to his Majesty, and to incite them to acts of mutiny and sedition, and have endeavoured to give effect to their wicked and traitorous proceedings by imposing upon the persons whom they have attempted to seduce the pretended obligation of oaths unlawfully administered: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that any person or persons, who shall in any manner or form whatsoever administer or cause to be administered, or be aiding or assisting at, or present at and consenting to, the administering or taking of any oath or engagement purporting or intended to bind the person taking the same to engage in any mutinous or seditious purpose, or to disturb the publick peace, or to be of any association, society or confederacy formed for any such purpose, or to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose, or not to inform or give evidence against any associate, confederate or other person, or not to reveal or discover any unlawful combination or confederacy, or not to reveal or discover any illegal act done or to be done, or not to reveal or discover any illegal oath or engagement which may have been administered or tendered to or taken by such person or persons or to or by any other person or persons, or the import of any such oath or engagement, shall on conviction thereof by due course of law be adjudged guilty of felony, and may be transported for any term of

Preamble.

Persons administering unlawful oaths, or taking them voluntarily, to be guilty of felony.

years not exceeding seven years; and every person who shall take any such oath or engagement, not being compelled thereto, shall on conviction thereof by due course of law be adjudged guilty of felony, and may be transported for any term of years not exceeding seven years.

Persons compelled to take such oaths not justified unless they declare the same within four days.

II. PROVIDED always, and be it further enacted, that compulsion shall not justify or excuse any person taking such oath or engagement, unless he or she shall, within four days after the taking thereof, if not prevented by actual force or sickness, and then within four days after the hindrance produced by such force or sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, by information on oath before one of his Majesty's justices of the peace or one of his Majesty's Principal Secretaries of State or his Majesty's Privy Council, or in case the person taking such oath or engagement shall be in actual service in his Majesty's forces by sea or land, then by such information on oath as aforesaid, or by information to his commanding officer.

Persons assisting, &c. to administer such oaths, or causing them to be administered, though not present, to be deemed principals.

III. AND be it further enacted, that persons aiding and assisting at, or present at and consenting to, the administering or taking of any such oath or engagement as aforesaid, and persons causing any such oath or engagement to be administered or taken, though not present at the administering or taking thereof, shall be deemed principal offenders, and shall be tried as such, although the persons or person who actually administered such oath or engagement, if any such there shall be, shall not have been tried or convicted.

In indictments it shall be sufficient to set forth the purport of such oaths.

IV. AND be it further enacted, that it shall not be necessary in any indictment against any person or persons administering, or causing to be administered or taken, or taking any such oath or engagement as aforesaid, or aiding or assisting at, or present at and consenting to, the administering or taking thereof, to set forth the words of such oath or engagement, and that it shall be sufficient to set forth the purport of such oath or engagement or some material part thereof.

Engagements in the nature of an oath to be deemed one, &c.

V. PROVIDED always, and be it further enacted, that any engagement or obligation whatsoever in the nature of an oath shall be deemed an oath within the intent and meaning of this Act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person or persons to any other person or persons, or taken by any person or persons without any administration thereof by any other person or persons.

Where offences may be prosecuted.

VI. PROVIDED also, and be it further enacted by the authority aforesaid, that any offence committed against this Act on the high seas or out of this realm, or within that part of Great Britain called England, shall and may be prosecuted, tried and determined before any court of oyer and terminer or gaol delivery for any county in that part of Great Britain called England, in such manner and form as if such offence had been therein committed; and if committed in that part of Great Britain called Scotland, shall and may be prosecuted, tried and determined either before the Justiciary Court at Edinburgh or in any of the circuit courts in that part of the United Kingdom.

Persons tried under this Act not to be tried

VII. PROVIDED also, and it is hereby declared, that any person who shall be tried and acquitted or convicted of any offence against this Act shall not

be liable to be indicted, prosecuted or tried again for the same offence or fact as high treason or misprision of high treason; and that nothing in this Act contained shall be construed to extend to prevent any person guilty of any offence against this Act, and who shall not be tried for the same as an offence against this Act, from being tried for the same as high treason or misprision of high treason, in such manner as if this Act had not been made.

again for the same offence as treason; but if not so tried, may be tried as for high treason, &c.

## CHAPTER CXXVII.

AN ACT to shorten the Time now required for giving Notice of the Royal Intention of his Majesty, his Heirs and Successors, that the Parliament shall meet and be holden for the Dispatch of Business, and more effectually to provide for the Meeting of Parliament in the case of a Demise of the Crown. [19th July 1797.]

**W**HEREAS it is expedient to shorten the time now required for giving notice of the royal intention of his Majesty, his heirs or successors, that the Parliament shall meet and be holden for the dispatch of business: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whenever His Majesty, his heirs or successors, shall be pleased, by and with the advice of the Privy Council of his Majesty, his heirs or successors, to issue his or their royal proclamation, giving notice of his or their royal intention that Parliament shall meet and be holden for the dispatch of business on any day being not less than fourteen days from the date of such proclamation, the same shall be a full and sufficient notice to all persons whatever of such the royal intention of his Majesty, his heirs and successors, and the Parliament shall thereby stand prorogued to the day and place therein declared, notwithstanding any previous prorogation of the Parliament to any longer day, and notwithstanding any former law, usage or practice to the contrary.

Preamble.

His Majesty may issue his proclamation for the meeting of Parliament in not less than 14 days from the date thereof.

III. AND be it further enacted by the authority aforesaid, that in case of the demise of his Majesty, his heirs or successors, subsequent to the dissolution or expiration of a Parliament, and before the day appointed by the writs of summons for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster and be a Parliament, to continue for and during the space of six months and no longer, to all intents and purposes as if the same Parliament had not been dissolved or expired, but subject to be sooner prorogued or dissolved by the person to whom the Crown of this realm of Great Britain shall come, remain and be, according to the Acts for limiting and settling the succession to the same.

Authority for holding a Parliament in case of the demise of the King between the dissolution or expiration of a Parliament and the assembling of a new one;

IV. AND be it further enacted by the authority aforesaid, that in case of the demise of any such his Majesty's heir or successor within the said period of six months, limited for the duration of the said last preceding Parliament, and before the same shall have been dissolved by such his Majesty's heir or successor, or after the same shall have been so dissolved and before a new Parliament shall have met in the manner herein-after provided, then and in

and also in case of the demise of a successor to the Crown within six months after his succession, without his

having dissolved the Parliament, or after the same shall have been dissolved and before a new one shall have met;

every such case the said last preceding Parliament shall immediately convene and sit and continue to be a Parliament to all intents and purposes for and during six months longer, to be computed from and immediately after such last mentioned demise, but subject to be sooner prorogued or dissolved by the person who shall then succeed as aforesaid to the Crown of this realm of Great Britain, and so as often as any such demise shall happen before a new Parliament shall have met in manner herein-after provided.

and in case of the demise of his Majesty on the day appointed for calling a new Parliament, or any day thereafter before its meeting.

V. AND be it further enacted by the authority aforesaid, that in case of the demise of his Majesty, his heirs or successors, on the day appointed by the writs of summons for calling and assembling a new Parliament, or at any time after such day so appointed, and before such new Parliament shall have met and sat, such new Parliament shall, immediately after such demise, convene and sit at Westminster, and be a Parliament to all intents and purposes to continue for and during the term of six months and no longer, but subject to be sooner prorogued or dissolved as aforesaid.

#### CHAPTER CXXXV.

AN ACT to explain and amend an Act passed in the Thirty-sixth Year of His Majesty's Reign, intituled "An Act for repealing certain Duties on Legacies and Shares of Personal Estate, and for granting other Duties thereon in certain Cases." [20th July 1797.]

Preamble.  
36 Geo. 3.  
c. 52. s. 32.  
recited.

WHEREAS by an Act passed in the thirty-sixth year of his present Majesty's reign, intituled "An Act for repealing certain duties on legacies and shares of personal estates, and for granting other duties thereon in certain cases," it is enacted that where, by reason of the infancy or absence beyond the seas of any person entitled to any legacy, or to the residue of any personal estate, or any part thereof, chargeable with duty by virtue of the said Act, the person or persons having or taking the burthen of any will or testamentary instrument, or the administration of such personal estate, cannot pay such legacy or some part thereof, although he, she or they may have effects for that purpose, or cannot pay such residue or some part thereof, although he, she or they may have the same or some part thereof in his, her or their hands, it shall be lawful for such person or persons to pay such legacy or residue, or any part or parts thereof respectively, or any sum or sums of money on account thereof, after deducting the duty chargeable thereon, into the Bank of England, with the privity of the accountant general of the Court of Chancery, to be placed to the account of the person or persons for whose benefit the same shall be so paid; for payment of which money the said accountant general shall give his certificate, as usual in such cases, on production of the certificate of the commissioners of stamps that the duty thereon hath been duly paid, and such payment into the Bank shall be a sufficient discharge for the money so paid in, provided the duty be also paid thereon as aforesaid; and such money, when paid in, shall be laid out by the said accountant general, without any formal request for that purpose, in the purchase of three pounds per centum consolidated annuities, which, with the dividends thereon, shall be transferred and paid to the person or persons



entitled thereto, or otherwise applied for his or their benefit, on application to the Court of Chancery by petition or motion in a summary way: And whereas money paid into the Bank of England with the privity of the said accountant general in ordinary cases cannot, according to the forms prescribed for that purpose, be paid by the Bank of England upon the draft of the said accountant general, unless the same shall be entered and signed by the register of the said Court of Chancery or one of his deputies, and doubts have been raised whether the said register or his deputies are authorized to enter and sign any draft of the said accountant general for the purpose of laying out money paid into the Bank of England in pursuance of the said Act in the purchase of three pounds per centum consolidated annuities, as directed by the said Act: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whenever any sum of money shall be paid into the Bank of England with the privity of the said accountant general, in pursuance of the said Act, the accountant general's certificate of such payment shall be filed, with the register of the said Court of Chancery, in the office called the Report Office, in the same manner as certificates of payment of money paid into the Bank of England with the privity of the said accountant general in pursuance of any order of the said court are usually filed; and when the said accountant general shall have drawn any draft on the governor and company of the Bank of England for payment of such money, in the usual form, for the purpose of applying the same in the purchase of three pounds per centum consolidated annuities in pursuance of the said Act, such draft shall be carried to the said Report Office, and entered and signed by the register or one of his deputies in the same manner as drafts drawn by the said accountant general in pursuance of any order of the said court are usually entered and signed; and every such draft so drawn, entered and signed as aforesaid shall be a warrant to the said governor and company for payment of the money specified in such draft, in the same manner as drafts of the said accountant general, drawn, entered and signed in pursuance of any order of the said court, are warrants to the said governor and company for payment of money in other cases; and the said Court of Chancery shall from time to time make all and every such orders and order as shall be necessary for carrying the purposes of the said Act and of this Act respecting any money so to be paid into the Bank as aforesaid into execution; and such orders or order shall and may be made, either in any particular matter or for the general purposes of the said Act and of this Act, or either of them, as occasion shall require, and as to the said court shall seem fit; and such order or orders of the said Court of Chancery shall be sufficient warrant to the said accountant general, and to the said register and his deputies and officers, and to the said governor and company of the Bank of England, and to all person and persons whomsoever, for all things which shall be done in pursuance of any such order or orders, to all intents and purposes whatsoever.

When money is paid into the Bank in pursuance of the recited section, the accountant general's certificate shall be filed in the Report Office, and his drafts on the Bank for the money for investment shall be entered there, and be a warrant to the Bank for the payment, &c.

## CHAPTER CXLII.

AN ACT for the better Administration of Justice at Calcutta, Madras and Bombay ; and for preventing British Subjects from being concerned in Loans to the Native Princes in India. [20th July 1797.]

Preamble.  
13 Geo. 3.  
c. 63.

On the death,  
&c. of any of  
the puisne  
judges of the  
Supreme Court  
of Judicature  
in Bengal, it  
shall consist of  
a chief justice  
and two other  
judges only.

His Majesty  
may direct the  
payment of a  
yearly sum out  
of the territorial  
revenues to  
any chief jus-  
tice or other  
judge returning  
to Europe.

Not more than  
2,000*l.* per ann.  
to be so paid to  
any chief jus-

**W**HEREAS by an Act passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for establishing certain regulations " for the better management of the affairs of the East India Company, as " well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Fort William in Bengal, to consist of a chief justice and three other justices, being barristers of England or Ireland of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors: And whereas by the said Act and by divers other Acts of Parliament certain jurisdictions, powers and authorities were given to the said court to be exercised in the manner therein directed: And whereas it may be expedient that the number of judges should be reduced: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that immediately after the death, resignation or removal of any of the puisne judges of the said Supreme Court, that the office of one of the said puisne judges shall be and the same is hereby suppressed, and from and immediately after such death, resignation or removal, the said Supreme Court shall consist of a chief justice and two other judges only; and all powers, jurisdictions and authorities whatsoever shall, from and after such period as aforesaid, be enjoyed and exercised by the said chief justice and other judges, in as full and ample a manner as the same might have been held, enjoyed and exercised by the said Supreme Court under the authority of the said herein-before recited Act or any other Act or Acts of Parliament, or under the charter of justice granted by his Majesty under the authority of the same.

**II.** AND whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India as a provision for a chief justice or other judge of the said Supreme Court, who, from infirmity or other causes approved of by his Majesty, may return to Europe: And whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors: Be it therefore enacted by the authority aforesaid, that, from and after the death, resignation or removal of one of the judges of the said Supreme Court, and the suppression of the said office in the manner herein-before directed, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any chief justice or other judge who from age, infirmity or other cause to be approved of by his Majesty, his heirs and successors, shall return to Europe.

**III.** PROVIDED always, that it shall not be lawful for his Majesty, his heirs or successors, to authorize the payment of any larger sum for the use and

behoof of any chief justice so returning as aforesaid than the sum of two thousand pounds per annum, or of any other judge than the sum of one thousand five hundred pounds per annum ; . . . . .

tice, nor more than 1,500*l.* per ann. to any other judge.

IV. AND whereas by the charter of justice granted by his Majesty under the authority of the herein-before recited Act passed in the thirteenth year of his present Majesty's reign the said Supreme Court of Judicature was directed and required to reduce or cause to be reduced to writing the depositions of witnesses in civil causes, and was directed to require the same to be subscribed by such witnesses with their name or other mark, and to file the same of record : And whereas by the said charter of justice it was also directed that no appeal should be allowed from the said Supreme Court of Judicature unless the value of the matters in dispute exceed the sum of one thousand pagodas : And whereas the requiring the depositions of witnesses to be reduced into writing and filed of record is productive of much expence and delay in small causes where the value of the matter in dispute does not exceed one thousand pagodas, and which for that reason cannot be made the subject of appeal : Be it therefore enacted, that from and after the passing of this Act it shall be in the discretion of the said Supreme Court, in all cases when the value of the matter in dispute does not exceed one thousand pagodas, either to direct the deposition of witnesses to be reduced into writing and filed of record, or not, as the said court shall think fit in the particular case, any thing in the said charter of justice contained to the contrary notwithstanding.

The Supreme Court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not, in its discretion.

V. AND whereas by the said herein-before recited Act it was enacted, that his Majesty might, by charter or letters patent, establish a Supreme Court of Judicature at Fort William in Bengal, in the manner and with the powers in the said Act mentioned ; and it was also enacted, that the Supreme Court so to be erected should have power to appoint clerks and other ministerial officers, with such reasonable salaries as should be approved of by the governor general and council : And whereas his Majesty did issue his royal letters patent for erecting a Supreme Court of Judicature at Fort William in Bengal, and among other things power was given to the said Supreme Court from time to time, as occasion should require, to appoint such clerks and ministers as should be necessary for the administration of justice, and the execution of the authorities granted to the court, which said officers and clerks were to receive such reasonable salaries as the said Supreme Court should appoint for each office and place respectively, and as the governor general and council should approve : And whereas the said Supreme Court did appoint certain clerks and ministers with salaries, which were approved of by the governor general and council : And whereas doubts have arisen whether the said salaries so appointed and approved of as aforesaid can be reduced or altered, or any of the said offices abolished or suppressed, without the authority of Parliament : And whereas the salaries paid by the East India Company to the clerks and ministers of the Supreme Court amount to a large sum, and yet nevertheless the said clerks and ministers have and do receive fees for all business done by them in the said court : And whereas it may be expedient that the said salaries should be reviewed, and that power should be given to alter the same if necessary : Be it therefore enacted, that it shall and may be lawful for the court of directors of the United Company of Merchants trading to India to direct the chief justice of the said Supreme Court to issue a precept or order directed to

The court of directors may direct the chief justice to

issue a precept to the officers of the Supreme Court to make a return, on oath, of their salaries and fees.

Officers of the court to make a return to the precept in 20 days, and for making a false return to forfeit their offices.

Judges to take returns into consideration, and report to the governor general in council what offices should be continued, and the salaries.

If the governor general in council agree with the judges respecting retrenchments, they are to be made, subject to the orders of the court of directors, who are also to decide if the governor general in council and judges disagree.

If a vacancy occur in an office before the report is made, it is to be filled up provisionally.

all and each of the officers, clerks and ministers of the Supreme Court of Judicature at Fort William in Bengal, calling upon them and each of them to make a return upon oath, which oath the said chief justice or any of the judges of the said Supreme Court are hereby empowered and required to administer, of the amount of the salary received by such officer and officers, and also a list of the fees to which he or they are entitled, together with the amount of the same which have been received by such officer for the three years next immediately preceding the date of the said precept or order.

VI. AND be it enacted by the authority aforesaid, that every clerk, officer, and minister of the said Supreme Court shall pay due obedience to the said order or precept, and make a true return to the same within twenty days next after the date of the same; and if any such officer, minister or clerk shall be guilty of making a false return, or shall not set forth in the same the full amount of the salary, fees, perquisites and emoluments which he shall have received for the last three years, and each or any part of the same during which he shall have been in office, then and in such case such officer shall, upon being duly convicted thereof, forfeit his said office, and be for ever incapable of holding any office in the said Supreme Court, or in the service of the said united company.

VII. AND be it further enacted, that the chief justice and other judges of the said Supreme Court shall, as soon as they conveniently can after the receipt of the said returns, take the same into their consideration, and report to the governor general in council, under their hands and seals, which of the said offices are in their opinion proper to be continued, and what is the proper salary to be allowed to each of the same, and whether any retrenchment can with propriety be made therein, with their reasons for the same; and in case the said chief justice and the other judges, or any of them, shall not agree respecting the said report, then such of the said judges as do dissent from the opinion of the majority shall also report, under his or their hands and seals, his or their opinion, with the reasons thereof; and in case the governor general in council do agree with the majority of the said Supreme Court concerning the extent of the said retrenchment, if any can be made therein, the said governor general in council shall and they are hereby empowered to alter, abridge or abolish all or any of the said offices and salaries which to them shall so seem proper to be altered or abridged or abolished, at such time and times and in such manner as they shall think fit, subject nevertheless to such orders and directions as they shall receive from the court of directors concerning the same; but in case the said governor general in council shall disagree with the said report from the majority of the said court or any part thereof, then such parts of the said report as are the subjects of difference between the said governor general in council and the said Supreme Court shall be suspended, and shall not be carried into execution, but the same shall be transmitted home for the ultimate decision of the court of directors respecting the same, who shall give such orders respecting the same as they shall think fit: Provided always, that from and after the passing of this Act, and until the said report shall be made and considered as is herein-before directed, if any vacancy shall occur in any of the offices or places under the said Supreme Court which are herein directed to be reviewed, the same shall be filled up by the judges of the said Supreme

Court provisionally only, and a person or persons shall be by them appointed to do the duty of the said office until the said report shall be made, and such office or offices shall be liable to be reduced or the salaries altered, if necessary, in the same manner as if they were actually vacant at the time of making such report.

VIII. AND whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Bahar and Orissa, have been from time to time framed by the governor general in council in Bengal, and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal that all regulations passed by government affecting the rights, properties or persons of the subjects should be formed into a regular code, and printed, with translations, in the country languages, and that the grounds of every regulation be prefixed to it, and that the courts of justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British government, and the mode of obtaining speedy redress for any infringement of the same: And whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the governor general in council to neglect or to dispense with the same: Be it therefore enacted, that all regulations which shall be issued and framed by the governor general in council at Fort William in Bengal affecting the rights, persons or property of the natives, or of any other individuals who may be amenable to the provincial courts of justice, shall be registered in the judicial department, and formed into a regular code, and printed, with translations, in the country languages, and that the grounds of each regulation shall be prefixed to it; and all the provincial courts of judicature shall be and they are hereby directed to be bound by and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said governor general in council shall annually transmit to the court of directors of the East India Company ten copies of such regulations as may be passed in each year, and the same number to the board of commissioners for the affairs of India.

Regulations of the governor general in council, which affect the natives or others amenable to the provincial courts of justice, to be printed, with translations, in the country languages, &c.

IX. AND whereas his late Majesty King George the Second did, by his letters patent bearing date at Westminster the eighth day of January in the twenty-sixth year of his reign, grant unto the United Company of Merchants trading to the East Indies his royal charter, thereby, amongst other things, constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the said united company's settlements at Madras Patnam and Bombay in the island of Bombay and Fort William in Bengal: And whereas the said charter, in so far as it respects the administration of justice at Fort William in Bengal, has been altered and changed by an Act passed in the thirteenth year of his present Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the "East India Company as well in India as in Europe": And whereas the said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the company's settlements at Madras Patnam and Bombay do and must require: Be it therefore enacted,

Recital of charter of King George the Second.

His Majesty may erect courts of judicature at Madras and Bombay, to consist of the mayor, three aldermen, and a recorder, who shall be a barrister, and be appointed by his Majesty.

that it shall and may be lawful for his Majesty, by charter or letters patent under the great seal of Great Britain, to erect and establish a court of judicature at Madras and Bombay respectively, which shall consist of the mayor and three of the aldermen resident at the said settlements of Madras and Bombay respectively for the time being, which aldermen shall from time to time be selected in such manner as shall be directed and prescribed by his Majesty in the said charter, together with one other person at each of the said settlements to be named from time to time by his Majesty, his heirs and successors, which said person shall be a barrister of England or Ireland of not less than five years standing, which said person so appointed shall be the president of the said court, and shall be stiled The Recorder of Madras and Bombay respectively; which said courts of judicature shall have and the same are hereby declared to have full power and authority to exercise and perform all civil, criminal and ecclesiastical and admiralty jurisdiction, and to appoint such ministerial officers as may be necessary, and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be necessary for the administration of justice and the due execution of all or any of the powers which shall or may by the said charter be committed to the said courts; and the same shall also be at all times courts of oyer and terminer and gaol delivery in and for Fort Saint George and the town of Madras and the limits thereof and the factories subordinate thereto, and in and for the town and island of Bombay and the limits thereof and the factories subordinate thereto respectively.

Extent of their jurisdiction.

X. PROVIDED nevertheless, and be it further enacted, that the said new charter which his Majesty is hereby empowered to grant, and the jurisdiction, powers and authorities to be thereby established, shall extend to all British subjects who shall reside within any of the factories subject to or dependant upon the governments of Madras and Bombay respectively; and the said charter shall be competent and effectual, and the said courts therein and thereby established shall have full power and authority, according to their respective jurisdictions, to hear and determine all and all manner of complaints against any of his Majesty's subjects for any crimes, misdemeanors and oppressions committed or to be committed, and also to hear and determine all suits and actions whatsoever against any of his Majesty's subjects arising in territories subject to or dependant upon the said governments of Madras and Bombay respectively, or within any of the territories which now are or hereafter may be subject to or dependant upon the said governments, or within any of the dominions of the native princes of India in alliance with the said governments respectively, or against any persons who, at the time when such debt or cause of action shall have arisen, have been employed by or shall have been directly or indirectly in the service of the united company, or any of his Majesty's subjects: Provided always, that the said court shall not be competent to hear, try and determine any indictment or information against the governor or any of the council, not being treason or felony, which the governor or any of the council at Madras or Bombay respectively shall or may be charged with having committed within the jurisdiction of the said courts respectively.

Courts not competent to try informations against the governor or council, except for treason or felony.

Courts may try all suits which, by

XI. AND be it further enacted, that the said courts so to be erected as aforesaid shall have full power and authority to hear, try and determine all

and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried or determined by the mayor's courts at Madras or Bombay respectively or by the courts of oyer and terminer or gaol delivery there; and all powers, authorities and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said mayor's courts or the said courts of oyer and terminer and gaol delivery, shall and may be as fully and effectually exercised by the said courts to be erected in the manner aforesaid as the same might have been exercised and enjoyed by the said mayor's courts or courts of oyer and terminer and gaol delivery respectively: Provided always, that nothing in this Act shall extend to subject the person of the governor or any of the council at the respective settlements, or the person of the recorder of the said court, to be arrested or imprisoned in any suit, action or proceeding in the said court; nor shall it be competent for the said courts within their respective jurisdictions to hear or determine or to entertain and exercise jurisdiction in any suit or action against the governor or any of the council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter or thing whatsoever, counselled, ordered or done by them in their publick capacity or acting as governor and council; nor shall the said court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said governor and council respectively, either within or beyond the limits of the said towns, forts or factories, or concerning any act done according to the usage and practice of the country and the regulations of the governor and council; and no person shall be subject to the jurisdiction of any of the said courts for or by reason of being a landowner, landholder or farmer of land or of land rent, or for receiving a pension or payment in lieu of any title to or ancient possession of land or land rent, or for receiving any compensation or share of profits for collecting rents payable to the publick out of such lands or districts as are actually farmed by himself or those who are his undertenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the governments of Madras and Bombay respectively; and no person for or by reason of his being employed by the said company or the governor and council, or by any person deriving authority under them, for or on account of his being employed by a native or the descendant of a native of Great Britain, shall become subject to the jurisdiction of the said courts respectively in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only.

authority of Parliament, may now be tried by the mayor's courts, or courts of oyer and terminer.

The governor and council, and recorder of the court, not subject to arrest.

Jurisdiction of the courts not to extend to certain matters and persons.

XII. AND in order that due regard may be had to the civil and religious usages of the natives, be it enacted, that the rights and authorities of fathers of families and masters of families, according as the same may be exercised by the Gentu or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said courts, nor shall any act done in consequence of

Rights of fathers and masters of families to be preserved.

the rule or law of cast, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England.

Courts may determine suits against the inhabitants according to the charter ; but their inheritance of lands, &c. to be determined as would have been done in a native court ; and where one party is a Mahomedan or Gentu, by the usages of the defendant, &c.

XIII. AND be it further enacted, that the said courts so to be erected as aforesaid shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively in the manner that shall be provided by the said charter ; yet nevertheless their inheritance and succession to lands, rents and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans, and where the parties are Gentus, by the laws and usages of the Gentus, or by such laws and usages as the same would have been determined by if the suit had been brought and the action commenced in a native court ; and where one of the parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant ; and in all suits so to be determined by the laws and usages of the natives the said court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgements, sentences or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice ; and such means shall be adopted for compelling the appearance of witnesses and taking their examination as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much ease and at as little expence as is consistent with the attainment of substantial justice.

No action for wrong to be against a judicial officer for any order of court, nor for any act done by virtue of any such order ; but if any information is intended it must be brought according to 21 Geo. 3. c. 70.

XIV. AND be it further enacted, that no action for wrong or injury shall be against any person whatever exercising a judicial office in any country court for any judgement, decree or order of the said court, or against any person for any act done by or in virtue of the order of the said court ; and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal by an Act passed in the twenty-first year of his Majesty's reign, intituled "An Act to explain and amend so much of an Act made in the " thirteenth year of the reign of his present Majesty, intituled 'An Act for " ' establishing certain regulations for the better management of the affairs of " ' the East India Company as well in India as in Europe,' as relates to " the administration of justice in Bengal, and for the relief of certain persons " imprisoned at Calcutta in Bengal under a judgement of the Supreme Court " of Judicature, and also for indemnifying the governor general and council " of Bengal, and all officers who have acted under their orders or authority, " in the undue resistance made to the process of the Supreme Court."

A registry of natives employed by the company or British subjects to be established at Madras and Bombay as at Calcutta.

XV. AND be it further enacted, that a registry of the natives employed in the service of the said company, or in the service of British subjects or their partners, shall be established within the settlements of Madras and Bombay respectively in the same manner, to the same effect, to the like extent and for the like purpose, and subject to the like penalties, as such register is established at Calcutta by the said Act passed in the twenty-first year of his present Majesty's reign.



XVI. AND be it further enacted, that it shall and may be directed in and by the said new charter which his Majesty is herein empowered to grant, that in case any person or persons whatever shall think him, her or themselves aggrieved by any judgement or determination of either of the said courts of judicature to be established as aforesaid, he, she or they may appeal from such judgement or determination to his Majesty in council, within such time and in such manner and in such cases as his Majesty in his said charter shall judge proper and reasonable to be appointed and prescribed.

His Majesty to direct in the charter that persons may appeal from the courts to his Majesty in council.

XVII. AND be it further enacted, that if his Majesty shall grant such charter as aforesaid, and erect such courts of judicature at Madras and Bombay, all the records and muniments and proceedings whatsoever of and belonging to the said mayor's courts at Madras and Bombay respectively, or to the courts of oyer and terminer and gaol delivery there established by the aforesaid charter of his late Majesty, shall, from and immediately after such courts of judicature as his Majesty is herein empowered to erect shall be established, be delivered over, preserved and deposited for safe custody in the said new courts of judicature respectively, to which all parties concerned shall and may have resort and recourse upon application to the said court.

Records of the mayor's courts or the courts of oyer and terminer to be deposited in the new courts.

XVIII. AND be it further enacted, that so much of the charter granted by his late Majesty as confers any civil, criminal or ecclesiastical jurisdiction upon the mayor's courts of Madras and Bombay respectively, or upon the president and council as a court of appeal from the said courts, or of oyer and terminer and gaol delivery at the said settlements, or the subordinates thereto belonging, in case a new charter shall be granted by his Majesty, and shall be openly published at Madras and Bombay respectively, from and immediately after such publication shall cease and determine and be absolutely void to all intents and purposes; and all judicial powers and authorities granted by any Act or Acts of Parliament to the said mayor's or courts of appeal at the said settlements shall cease and determine and be no longer exercised by the said courts; but the same shall and may be exercised by the courts of judicature to be erected by virtue of this Act in the manner and to the extent herein-before directed; but nevertheless the said charter shall in all other respects continue in full force and effect to all intents and purposes according to the true intent and meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made or such new charter should not have been granted.

Jurisdiction of the mayor's courts, and of the presidents and councils as courts of appeal, &c. to cease on publication of new charter.

XIX. AND be it further enacted, that during such time as the said settlements of Madras and Bombay respectively shall remain in the possession of the said united company, the court of directors of the said united company shall and they are hereby required to direct and cause to be paid to the recorder of the said Court of Judicature at Madras the yearly sum of five thousand pounds, and to the recorder of the Court of Judicature at Bombay the yearly sum of five thousand pounds, and such salaries shall be paid to them and each of them for the time being respectively out of the revenues of the said respective settlements of Madras and Bombay, at an exchange of eight shillings for the pagoda at Madras, and of two shillings and sixpence for the Bombay rupee at the settlement of Bombay.

Court of directors to cause to be paid to the recorder of each court 5,000*l.* annually out of the revenues of the settlement.

XX. AND be it further enacted, that . . . . . all such salaries shall be in lieu of all fees of office, perquisites, emoluments and

Salaries to be in lieu of all emoluments, &c.

advantages whatsoever; and that no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

If the recorder return to Europe from age or infirmity, &c., his Majesty may order him an annuity out of the territorial revenues.

XXI. AND be it further enacted, that if the recorder of the Court of Judicature at Madras and Bombay respectively shall return to Europe from age, infirmity or other cause, to be approved of by his Majesty, it shall and may be lawful for his Majesty, by warrant under the sign manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India to such recorder so returning: Provided always, that it shall not be lawful for his Majesty to direct any larger allowance to be made to such recorder so returning than the sum of one thousand two hundred pounds per annum;

If the recorder shall die, and no successor shall be on the spot, the junior puisne judge of the Supreme Court at Calcutta shall proceed to the settlement and hold the office till a recorder arrives.

XXII. AND in order more effectually to provide for the regular administration of justice, be it enacted, that whenever it shall happen that the recorder of Madras or Bombay respectively shall die, and no person shall be upon the spot who shall be appointed by his Majesty to succeed to such recorder-ship, in such case, and as soon as the same shall be made known to the Supreme Court of Judicature at Calcutta, the junior puisne judge of the said court shall and he is hereby directed and authorized to proceed, with all convenient speed, to the settlement where such vacancy shall have happened, and shall take upon himself the office of recorder of the said settlement, and shall hold and exercise the same in as full and ample a manner as if he had been appointed recorder of the said settlement by his Majesty by authority of this Act, and shall continue to hold and exercise the said office until a recorder shall be appointed by his Majesty, and until such recorder shall arrive at the said settlement, and no longer.

Acting recorder to receive a proportion of salary.

XXIII. AND be it further enacted, that such judge so acting as recorder during a vacancy, and until the arrival of the person appointed to succeed the said office, shall be entitled to receive a proportion of salary, and no more than would have become due to such recorder during the period while the vacancy shall be supplied by such judge as aforesaid.

Appointment of judge not vacated by acting as recorder.

XXIV. PROVIDED always, that nothing in this Act shall extend or be construed to extend to vacate the appointment of such judge by reason of his exercising the office of recorder as aforesaid.

Recorders not to be concerned in traffick.

XXV. AND be it further enacted, that the said person or persons so to be appointed by his Majesty recorder of the Court of Judicature at Madras and Bombay respectively shall not carry on, be concerned in or have any dealings or transactions by way of traffick or commerce of any kind whatsoever, either for his or their own use, benefit, profit or advantage, or the use, benefit, profit or advantage of any person whatsoever.

Recorder to be tried as the judges of the Supreme Court at Calcutta.

XXVI. AND be it further enacted, that all offences committed by or charged upon the said recorder of the said courts shall be heard, tried and determined in the same manner as if the same were committed by or charged upon any of the judges of the Supreme Courts of Judicature at Calcutta.

All new forms of process to be transmitted to the board for affairs of India.

XXVII. AND be it further enacted, that all new forms of process, or rules and orders for the execution thereof, shall be transmitted to the president of the board of commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction or refusal; and such process shall

be used and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

XXVIII. AND whereas the practice of British subjects lending money or being concerned in the lending of the same, or in transactions for the borrowing money for or lending money to the native princes in India has been productive of much mischief and is the source of much usury and extortion : And whereas the wholesome orders of the court of directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same : And whereas it is highly desirable that such practices should be prevented in future : Be it therefore enacted, that from and after the first day of December next no British subject shall by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native prince in India, by whatever name or description such native prince shall be called, nor shall any British subject, either by himself or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native prince, nor shall any British subject be concerned either by himself or by any other person, either directly or indirectly, in raising or procuring any money for any such native prince, or as being security for such loan or money, nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy or be concerned in any bond, note or other security or assignment, granted or to be granted by any such native prince after the first day of December next for the loan or for the re-payment of money or other valuable thing, without the consent and approbation of the court of directors of the East India Company, or the consent and approbation of the governor in council of one of the said company's governments in India, first had and obtained in writing ; and every person doing, acting or transacting, or being concerned in any actings, doings and transactions, contrary to this Act, shall be deemed and taken to be guilty of a misdemeanor at law, and shall and may be proceeded against and punished as such by virtue of this Act before any court of competent jurisdiction ; and all bonds, notes, assignments or securities for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any British subject, contrary to the true intent and meaning of this Act, shall be and the same are hereby declared to be null and void to all intents and purposes.

XXIX. AND be it further enacted, that when and so often as any information shall be given or complaint made to any of the governments of the said united company in the East Indies, of any person having acted contrary to the provisions of this Act, such governments shall forthwith lay the case before the company's law officers at the settlement where it arises, who shall take the same into their consideration and report their opinion thereupon whether the same is a proper case for prosecution (together with their reasons for the same), which report shall be transmitted home to the court of directors by the first convenient opportunity.

XXX. AND whereas the provision made by the charter of justice of his late Majesty for the establishment of a Court of Requests in and for the towns of Madras Patnam, Bombay and Calcutta, for the recovery of debts, duties and demands therein, not exceeding the value of five pagodas, in manner therein

From Dec. 1, 1797, no British subject to lend any money or be concerned in raising any money for native princes without consent of the court of directors or the governor in council, and any person doing so may be prosecuted for a misdemeanor.

Securities for money lent contrary hereto to be void.

On complaint to the governments in India for acting contrary to this Act, the case to be laid before the law officers, whose report shall be transmitted to the court of directors.

Jurisdictions of the courts of requests at Madras, Bombay and Calcutta, extended to 80 rupees.

directed, hath been found beneficial and convenient: And whereas an extension of jurisdiction of the said courts for the recovery of debts, duties and demands to a larger amount in value is found to be useful: Be it therefore enacted by the authority aforesaid, that the jurisdiction of the said courts of requests at and for the said towns of Madras Patnam, Bombay and Calcutta respectively, shall be and the same is extended to the recovery of all or any manner of debts, duties and demands not exceeding in value the sum of eighty current rupees respectively; and for that purpose that the commissioners of the said courts of requests, and their successors, shall have full power and authority to hear and determine all actions, plaints and suits which have grown or shall be brought before them in their said respective courts where the debt, duty or matter in dispute shall not exceed the said value of eighty current rupees, and to award execution thereupon for the debt or sum adjudged to be due, in the same manner as they now do for debts and demands under the sum of five pagodas.

#### CHAPTER CXLIII.

AN ACT to explain and amend an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Prevention of the Use of defective Weights and of false and unequal Balances." [20th July 1797.]

Preamble.  
35 Geo. 3.  
c. 102. re-  
cited.

**W**HEREAS by an Act passed in the thirty-fifth year of the reign of his present Majesty, intituled "An Act for the more effectual prevention of the use of defective weights and of false and unequal balances," it was (among other things) enacted, that it should and might be lawful for the justices at every quarter sessions of the peace for any county, riding, liberty or division in England or Wales, to appoint certain persons to examine the weights and balances within their respective districts, and that the persons so appointed should, once in every month at the least, examine such weights and balances; and the persons in whose possession any false weights or balances should be found were subjected to a penalty not exceeding twenty shillings nor less than five shillings, to be paid to the treasurer of the county, riding or division, and be applied by him for the purposes therein particularly described: And whereas the said Act might be more conveniently executed if some of the powers thereof were vested in the justices of the peace at their several and respective petty sessions, and it is expedient that certain other alterations should be made in the said Act: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the tenth day of July one thousand seven hundred and ninety-seven so much of the said recited Act as requires the justices at the quarter sessions of the peace to appoint persons to examine the weights and balances within their respective counties, ridings, liberties and divisions, and which authorizes the persons so appointed to search for and examine all weights and balances and to seize and destroy false or unequal weights or balances, and imposes a penalty on the persons in whose possession the same shall be found, shall be and is hereby repealed [Rep., Stat. Law Rev. Act, 1871]; and that it shall and may be lawful to and for the justices of the peace at their respective petty sessions within the divisions, districts and other places of the several counties in England and Wales, to appoint one or more person or persons who shall

So much of recited Act as requires the justices at quarter sessions to appoint persons to examine weights, &c. repealed. Justices at their petty sessions may appoint such examiners.

have power to examine the weights and balances within such divisions, districts and other places respectively.

II. AND be it further enacted, that it shall and may be lawful to and for the person or persons so to be appointed as aforesaid, and they are hereby required (having first been sworn duly and faithfully to execute the office in him or them reposed by virtue of such appointment and of this Act (which oath such justices are hereby authorized and empowered to administer), as often as the said justices shall direct, in the day time, to enter into the shop, mill, house, outhouses and other premises near to such shop, mill or house, and into the stall or standing place of any person or persons who sell by retail and weight any wares, provisions, goods or chattels whatsoever, and then and there to search for, view and examine all weights and balances in such shop, mill, house, outhouses, premises, stall or standing place, and to seize any weight or weights not being according to the standard in the Exchequer, or any false or unequal balance or balances which shall upon such search be found therein, and to detain the same, to be produced before the justices in petty sessions as aforesaid upon the hearing of the information or informations herein-after mentioned; and the person or persons in whose shop, mill, house, outhouses, premises, stall or standing place any such defective weight or weights or any such false or unequal balance or balances shall be found (against whom for such offence or offences an information or informations is and are hereby directed to be preferred), shall, upon conviction thereof in petty sessions as aforesaid, upon view or confession or upon the oath of one or more credible witness or witnesses, forfeit and pay for every such offence any sum of money, not exceeding twenty shillings nor less than five shillings, as the said justices before whom such person or persons shall have been convicted shall in their discretion order and adjudge, together with the costs and charges attending such conviction; such forfeiture, together with such costs and charges, to be levied by warrant under the hands and seals of the said justices by distress and sale of so much of the goods and chattels of the person or persons offending as shall be sufficient to pay the said penalty and also the expences of making such distress and sale.

Examiners,  
when directed  
by the justices,  
to visit shops,  
&c. and seize  
false weights,  
&c.

Penalty for  
having false  
weights, &c.

III. AND be it further enacted, that on the conviction of such offender or offenders the said justices shall cause such defective weight or weights or such false or unequal balance or balances so produced before them to be forthwith broken and rendered useless, and the materials thereof to be sold, and the money arising from such sale, together with the amount of the forfeiture or forfeitures, to be paid by them to the treasurer of such county, riding or division, to be by him applied towards the expences of carrying the said recited Act and this Act into execution, and the residue (if any) on account of the publick stock of such county, riding or division; and the said justices shall also prepare, or cause to be prepared, returns of the forfeitures levied by them in pursuance of the said before recited Act and of this Act, and also of the sums arising from the sale of such defective weights and false and unequal balances, and shall transmit such returns, signed by them, to the clerk of the peace for such county, riding or division respectively, at every general quarter sessions of the peace to be held for such county, riding or division.

Justices to  
cause false  
weights, &c. to  
be broken, and  
the produce of  
the materials  
and the forfei-  
tures to be paid  
to the county  
treasurer, &c.

BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in  
the year of our Lord \_\_\_\_\_ at a petty sessions holden for  
the [division or district] of \_\_\_\_\_ in the said [county, riding or  
division] before A.B. and C.D. justices of the peace acting in and for the  
said \_\_\_\_\_ E.F. of \_\_\_\_\_ in the said \_\_\_\_\_  
was duly convicted before us the said justices, for that he the said E.F. on  
the \_\_\_\_\_ day of \_\_\_\_\_ now last past, at  
\_\_\_\_\_ in the said \_\_\_\_\_ contrary to the form  
of the statute in that case made and provided [here state the offence against  
the Act]; and we the said justices do declare and adjudge that the said E.F.  
hath forfeited the sum of \_\_\_\_\_ of lawful money of Great Britain  
for the offence aforesaid, to be applied as the law directs; and also the

' further sum of \_\_\_\_\_ of like lawful money for the reasonable costs  
' and charges attending this conviction.

‘ Given under our hands and seals on the day and in the year first  
‘ mentioned.’

IX. AND be it further enacted, that this Act shall be deemed and taken to be a publick Act, and be judicially taken notice of as such by all judges, justices and other persons, without the same being specially pleaded or set forth.

### 38 GEORGE III. A.D. 1797-8.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWELFTH DAY OF JULY,  
A.D. 1796,  
IN THE THIRTY-SIXTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED, BY SEVERAL PROROGATIONS, TO THE  
SECOND DAY OF NOVEMBER, A.D. 1797,  
BEING THE SECOND SESSION OF THE EIGHTEENTH PARLIAMENT OF  
GREAT BRITAIN.

## CHAPTER V.

AN ACT for granting an Aid to his Majesty by a Land Tax, to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight. [A] [30th November 1797.]

**Most Gracious Sovereign,**

**WE**, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in Parliament assembled, taking into our serious consideration such expences as are absolutely necessary for supporting your Majesty's government, and being resolved to supply the same, have for that end and purpose cheerfully and voluntarily given and granted, and do by this Act give and grant unto your Majesty the several and respective rates and assessments hereafter mentioned; and we do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the sum of two millions thirty-seven thousand six hundred twenty-seven pounds nine shillings and one farthing shall be raised, levied and paid unto his Majesty, within the kingdom of Great Britain, by such proportions and in such manner and form as hereafter in this Act are expressed.

**Preamble.**

The sum of 2,037,627*l.* 9*s.* 4*d.* to be raised in Great Britain.

The sum of  
2,037,627*l.*  
9*s.*  $\frac{1}{4}$ *d.* to be  
raised in Great  
Britain.

II. AND it is hereby declared and enacted by the authority aforesaid, that the sum of one million nine hundred eighty-nine thousand six hundred seventy-three pounds seven shillings and ten-pence farthing, part of the said

	Of which sum
	1,989,673l.
	7s. 10½d.
	to be raised in
	England and

Of which sum  
1,989,673*l*.  
7*s*. 10½*d*.  
to be raised in  
England and

[\* Rep., so far as relates to duties on estates in ready money, debts, goods, wares, merchandize, chattels or other personal estate, Stat. Law Rev. Act, 1871.]

Wales in one  
year, from  
March 25,  
1798.

sum of two millions thirty-seven thousand six hundred twenty-seven pounds nine shillings and one farthing shall be raised, levied and paid unto his Majesty within the space of one year from the twenty-fifth day of March one thousand seven hundred and ninety-eight, and shall be assessed and taxed in the several counties, cities, boroughs, towns and places of England, Wales and Berwick upon Tweed, according to the proportions in manner following ; (that is to say,)

**F**OR the town of Bedford, the sum of six hundred ninety-two pounds eleven shillings and one penny.

For the rest of the county of Bedford, the sum of twenty-seven thousand eight hundred sixty-two pounds three shillings and ten-pence halfpenny.

For the borough of New Windsor and the castle there, the sum of nine hundred seventy-eight pounds and ten shillings.

For the rest of the county of Berks, the sum of thirty-nine thousand eight hundred sixty-five pounds nine shillings and five-pence.

For the borough of Bucks, with Borton, Borton-hold, Prebend-end, Gawcott, and Lendborough, the sum of six hundred and thirteen pounds and five-pence halfpenny.

For the borough of Wicomb, the sum of three hundred fifty-eight pounds seventeen shillings and sixpence.

For the rest of the county of Bucks, the sum of forty-six thousand one hundred and seventy pounds thirteen shillings and eight-pence halfpenny.

For the university of Cambridge, the sum of one hundred pounds.

For the town of Cambridge, the sum of two thousand seven hundred and seven pounds eighteen shillings and one penny.

For the Isle of Ely, the sum of eight thousand and eight pounds five shillings and seven-pence halfpenny.

For the rest of the county of Cambridge, the sum of twenty-one thousand eight hundred seventy-eight pounds six shillings and ten-pence halfpenny.

For the city and county of the city of Chester, the sum of one thousand five hundred eighty-four pounds and seven shillings.

For the county of Chester, the sum of twenty-seven thousand and fourteen pounds eighteen shillings and ten-pence halfpenny.

For the county of Cornwall, the sum of thirty-one thousand nine hundred forty-three pounds and one shilling.

For the county of Cumberland, the sum of three thousand seven hundred and thirteen pounds eighteen shillings and two-pence halfpenny.

For the county of Derby, the sum of twenty-four thousand and ninety-three pounds nineteen shillings and nine-pence halfpenny.

For the city and county of the city of Exon, the sum of four thousand seven hundred and eight pounds and five-pence halfpenny.

For the county of Devon, the sum of seventy-seven thousand eight hundred seventy-five pounds two shillings and ten-pence halfpenny.

For the town and county of the town of Poole, the sum of three hundred twenty-eight pounds and two shillings.

For the county of Dorset, the sum of thirty-two thousand seven hundred fifty-one pounds fifteen shillings and ten-pence halfpenny.

For the county of Durham, the sum of ten thousand five hundred ninety-seven pounds fourteen shillings and five-pence halfpenny.



For the west riding of the county of York, the sum of thirty-nine thousand three hundred sixty-two pounds one shilling and one penny.

For the north riding of the county of York, the sum of twenty-six thousand three hundred forty-seven pounds nineteen shillings and eight-pence.

For the east riding of the county of York, the sum of nineteen thousand one hundred and eleven pounds two shillings and eleven-pence.

For the city of York and county of the same city, the sum of four thousand six hundred and nineteen pounds eighteen shillings and eight-pence.

For the town and county of the town of Kingston upon Hull, the sum of two thousand and fifty-three pounds two shillings and four-pence.

For the town of Malden in the county of Essex, the sum of five hundred eighty-four pounds and eighteen shillings.

For the town of Colchester, the sum of two thousand eight hundred and forty-five pounds six shillings and three-pence.

For the town of Harwich and Dover Court, the sum of four hundred and three pounds and thirteen shillings.

For the rest of the county of Essex, the sum of eighty-five thousand five hundred sixty-three pounds nine shillings and five-pence.

For the city and county of the city of Gloucester, the sum of one thousand three hundred and ninety-six pounds four shillings and eight-pence.

For the whole county of Gloucester, the sum of forty-five thousand nine hundred and fifteen pounds eighteen shillings and four-pence halfpenny.

For the city of Hereford, the sum of seven hundred sixty-three pounds seventeen shillings and four-pence.

For the borough of Leominster, the sum of three hundred thirty-three pounds fifteen shillings and eight-pence.

For the rest of the whole county of Hereford, the sum of nineteen thousand three hundred eleven pounds thirteen shillings and eight-pence.

For the borough of Saint Alban's in the county of Hertford, the sum of seven hundred and seventy-four pounds and two shillings.

For the rest of the whole county of Hertford, the sum of forty-one thousand five hundred and eight pounds ten shillings and nine-pence three farthings.

For the town of Huntingdon, the sum of four hundred thirty-two pounds twelve shillings and eight-pence.

For the rest of the county of Huntingdon, the sum of fifteen thousand and sixty-four pounds twelve shillings and four-pence.

For the city and county of the city of Canterbury, the sum of one thousand six hundred fifty-two pounds and one penny and one third part of a penny.

For the town and liberty of Dover, the sum of one thousand nine hundred twenty-three pounds thirteen shillings and nine-pence.

For the town of Folkstone, the sum of one hundred forty-four pounds and nineteen shillings.

For the town of Fordwich, the sum of seventy-seven pounds and eight shillings.

For the town of Feversham, the sum of five hundred and nineteen pounds ten shillings and three-pence.

For the town of Tenterden, the sum of eight hundred sixty-three pounds and two shillings.

For the town and liberty of Sandwich, the sum of nine hundred ninety-one pounds sixteen shillings and sixpence.

For the town and port of New Romney, the sum of two hundred forty-nine pounds and seventeen shillings.

For the town of Lydd, the sum of seven hundred sixty-nine pounds nineteen shillings and sixpence.

For the town and port of Hithe and West Hithe within the liberty of the said town and port, the sum of two hundred thirty-six pounds and fourteen shillings.

For the rest of the whole county of Kent, the sum of seventy-five thousand one hundred twenty-four pounds four shillings and four-pence.

For the county of Lancaster, the sum of twenty thousand nine hundred eighty-nine pounds fourteen shillings and sixpence halfpenny.

For the borough of Leicester, the sum of six hundred thirty-nine pounds and twelve shillings.

For the rest of the county of Leicester, the sum of thirty-four thousand and forty-five pounds ten shillings and one penny halfpenny.

For the county of Lincoln with the city and county of the city of Lincoln, the sum of seventy-one thousand nine hundred and seven pounds and eight-pence.

For the city of London, the sum of one hundred twenty-three thousand three hundred ninety-nine pounds six shillings and seven-pence.

For Serjeants Inn in Chancery Lane, the sum of thirty-one pounds and four shillings.

For the Inner Temple and Inns of Chancery thereunto belonging, the sum of four hundred pounds.

For the Middle Temple and Inns of Chancery thereunto belonging, the sum of two hundred seventy-two pounds and sixteen shillings.

For the Society of Lincoln's Inn and Inns of Chancery thereunto belonging, the sum of three hundred forty-one pounds seven shillings and six-pence.

For Gray's Inn and the Inns of Chancery thereunto belonging, the sum of two hundred and fifty-two pounds thirteen shillings and four-pence.

For the palaces of Whitehall and Saint James, the sum of thirty thousand seven hundred fifty-four pounds six shillings and three-pence.

For the city of Westminster and liberties thereof and offices executed in Westminster Hall, the sum of sixty-three thousand and ninety-two pounds one shilling and five-pence.

For the rest of the county of Middlesex, the sum of one hundred and seven thousand six hundred and two pounds eleven shillings and seven-pence.

For the county of Monmouth, the sum of nine thousand eight hundred and twelve pounds six shillings and five-pence half-penny.

For the city and county of the city of Norwich, the sum of eight thousand five hundred and eighteen pounds eleven shillings and eleven-pence.

For the borough of Great Yarmouth, the sum of two thousand eight hundred and twenty pounds three shillings and one penny.

For the borough of King's Lynn, the sum of one thousand eight hundred fourteen pounds and fourteen shillings.

For so much of the borough of Thetford as lies in the county of Norfolk, the sum of two hundred and thirty-nine pounds.

For the rest of the county of Norfolk, the sum of seventy thousand nine hundred and fourteen pounds six shillings and sixpence halfpenny.

For the town of Northampton, the sum of eight hundred and thirty pounds seven shillings and ten-pence.

For the rest of the county of Northampton, the sum of forty-six thousand eight hundred thirty-nine pounds three shillings and seven-pence.

For the town and county of the town of Newcastle upon Tyne, the sum of two thousand five hundred and eighty pounds sixteen shillings and four-pence.

For the town of Berwick upon Tweed, the sum of one hundred forty-five pounds and three shillings.

For the county of Northumberland, the sum of eleven thousand eight hundred twenty-two pounds and eighteen shillings.

For the town and county of the town of Nottingham, the sum of one thousand six hundred and fourteen pounds ten shillings and seven-pence halfpenny.

For the county of Nottingham, the sum of twenty-five thousand six hundred sixty-two pounds and two-pence.

For the university of Oxon, the sum of one hundred eleven pounds seventeen shillings and two-pence.

For the city of Oxon, the sum of three thousand four hundred forty-four pounds six shillings and three-pence.

For the rest of the county of Oxon, the sum of thirty-five thousand one hundred sixty-five pounds twelve shillings and four-pence and ten-twelfth parts of a penny.

For the county of Rutland, the sum of five thousand five hundred twenty-five pounds three shillings and ten-pence halfpenny.

For the town of Ludlow, the sum of two hundred twenty-six pounds and two shillings.

For the county of Salop, the sum of twenty-eight thousand eight hundred and thirty pounds seventeen shillings and one penny halfpenny.

For the county of the city of Bristol, the sum of seven thousand three hundred ninety-one pounds ten shillings and eight-pence.

For the city of Bath, the sum of four hundred forty-three pounds and six shillings.

For the city of Wells, the sum of four hundred eighty-one pounds seventeen shillings and sixpence.

For the borough of Bridgewater and Haygrove Tything, the sum of three hundred sixty-six pounds and five shillings.

For the rest of the county of Somerset, the sum of sixty-three thousand seven hundred and ninety pounds four shillings and four-pence.

For the town and county of the town of Southampton, the sum of seven hundred ninety-four pounds ten shillings and one penny.

For the Isle of Wight, the sum of six thousand two hundred seventy-three pounds and sixteen shillings.

For the rest of the county of Southampton, the sum of forty-seven thousand eight hundred and seventy-two pounds five shillings and five sixth parts of a penny.

For the city and county of the city of Litchfield, the sum of four hundred and twenty pounds nineteen shillings and four-pence.

For the county of Stafford, the sum of twenty-six thousand seven hundred pounds three shillings and ten-pence.

For the town of Ipswich, the sum of two thousand and sixty-one pounds three shillings and sixpence.

For the borough of Bury St. Edmund's, the sum of two thousand one hundred and six pounds three shillings.

For the borough of Dunwich, the sum of forty pounds three shillings and sixpence.

For the borough of Eye, the sum of five hundred and two pounds.

For the borough of Sudbury, the sum of five hundred and six pounds eight shillings and eight-pence.

For so much of the borough of Thetford as lies in Suffolk, the sum of seventy-nine pounds and four shillings.

For the rest of the county of Suffolk, the sum of sixty-eight thousand two hundred and eleven pounds and four-pence and two third parts of a penny.

For the county of Surrey, the sum of sixty-six thousand one hundred thirty-two pounds nineteen shillings and sixpence halfpenny.

For the town and port of Hastings and liberties thereof, the sum of three hundred seventy-eight pounds and six shillings.

For the liberty of Seaford, the sum of one hundred forty-one pounds eighteen shillings.

For the liberty of Pevensey, the sum of one thousand and eighty-eight pounds and ten shillings.

For the town and parish of Rye, the sum of four hundred seventy-three pounds eighteen shillings.

For the town of Winchelsea, the sum of four hundred and five pounds.

For the rest of the county of Sussex, the sum of fifty-seven thousand five hundred and sixty pounds four shillings and four-pence.

For the city and county of the city of Coventry, the sum of two thousand four hundred sixty-three pounds fourteen shillings and nine-pence.

For the county of Warwick, the sum of thirty-seven thousand three hundred twenty-five pounds nineteen shillings and seven-pence.

For the city and county of the city of Worcester, the sum of two thousand two hundred twenty-eight pounds seventeen shillings and eight-pence.

For the county of Worcester, the sum of thirty-one thousand three hundred fifty-three pounds nine shillings and three-pence.

For the city of New Sarum, the close of the same, and Clarendon Park, the sum of one thousand nine hundred thirty-five pounds sixteen shillings and sixpence.

For the rest of the county of Wilts, the sum of forty-nine thousand seven hundred twenty-one pounds eleven shillings and five-pence.

For the county of Westmorland, the sum of three thousand and forty-five pounds three shillings and nine-pence halfpenny.

For the Isle of Anglesea, the sum of one thousand six hundred thirty-three pounds seven shillings and eleven-pence.

For the borough of Brecon, the sum of one hundred seventy-seven pounds nineteen shillings and eight-pence.

For the rest of the county of Brecon, the sum of two thousand eight hundred seventy-three pounds eighteen shillings and four-pence.

For the county of Cardigan, the sum of one thousand three hundred seventy-two pounds sixteen shillings and two-pence.

For the county borough of Carmarthen, the sum of two hundred twenty-nine pounds eighteen shillings and eight-pence.

For the county of Carmarthen, the sum of four thousand one hundred and forty pounds three shillings and eleven-pence halfpenny.

For the county of Carnarvon, the sum of two thousand three hundred thirty-seven pounds six shillings and seven-pence.

For the county of Denbigh, the sum of six thousand eight hundred pounds.

For the county of Flint, the sum of two thousand three hundred and fourteen pounds seventeen shillings.

For the county of Glamorgan, the sum of seven thousand nine hundred and six pounds nine shillings and ten-pence.

For the county of Merioneth, the sum of two thousand four hundred thirty-two pounds fifteen shillings and ten-pence.

For the county of Montgomery, the sum of five thousand eight hundred fifty-two pounds eighteen shillings and four-pence.

For the county of Pembroke, the sum of two thousand nine hundred and ninety-seven pounds seventeen shillings and eight-pence halfpenny.

For the county of Radnor, the sum of two thousand six hundred ninety-two pounds and six shillings.

For the town and county of the town of Haverford West, the sum of one hundred seventy-four pounds seventeen shillings and four-pence.

III. AND be it further enacted by the authority aforesaid, that, towards raising the said several and respective sums of money hereby charged on the respective counties, cities, boroughs, towns and other places in that part of Great Britain called England, Wales and Berwick as aforesaid, all and every person and persons, bodies politick and corporate, guilds and fraternities within the same respectively, having any estate in ready money, or in any debts whatsoever owing to them, within Great Britain or without, or having any estate in goods, wares, merchandizes, or other chattels or personal estate whatsoever, within Great Britain or without, belonging to or in trust for them (except and out of the premises deducted such sums as he, she or they do bona fide owe, and such debts owing to them as shall be adjudged desperate by the respective commissioners appointed by this Act, and also except the stock upon lands, and such goods as are used for household-stuff, and also except such loans and debts as are or shall be owing from his Majesty to any person or persons), shall yield and pay unto his Majesty the sum of four shillings in the pound according to the true yearly value thereof for one year; (that is to say,) for every one hundred pounds of such ready money and debts, and for every one hundred pounds worth of such goods, wares, and merchandizes or other chattels or personal estate, the sum of twenty shillings, and so after that rate for every greater or less sum or quantity, to be assessed, levied and collected in manner herein-after mentioned; and that all and every person and persons, and all and every commissioner and commissioners, having, using or exercising any publick office or employment of profit in England, Wales or Berwick as aforesaid, and all and every their clerks, agents, secondaries, substitutes and other inferior ministers whatsoever (such military officers who are or shall be in muster by the muster-master-general of his Majesty's army, or in pay in his Majesty's army or navy in respect of such offices only, excepted), shall, towards raising the said respective sums before in this Act charged upon the respective counties, cities, boroughs, towns and other places of England, Wales and Berwick as aforesaid, yield and pay unto his Majesty the sum of four shillings for every twenty shillings which he, she or they do receive in one year, by virtue of any salaries, gratuities, bounty-money, rewards, fees, profits, perquisites or advantages whatsoever to him, her or them accruing, for or by reason or occasion of such their several offices or employments, without any allowance, deduction or abatement whatsoever; and that all and every person and persons, guilds, fraternities, bodies politick and corporate, having an annuity, pension, stipend

Personal estates (deducting debts owed, desperate debts, stock on land, household goods and loans to his Majesty) to pay 4s. in the pound.

Employments of profit (except military offices of the army or navy) to pay 4s. per pound;

likewise pensions and

annuities out of  
the Exchequer,  
&c.

or other yearly payment either out of the receipt of his Majesty's Exchequer in England, or out of any branch of his Majesty's revenue in England, Wales or Berwick, or payable or secured to be paid by any person or persons whatsoever in England, Wales or Berwick (not being or issuing out of any lands, tenements or hereditaments, or charged upon the same, touching which other directions are given by this Act, and not being annuities or yearly payments which, by any Act or Acts of Parliament made or to be made, are or shall be specially exempted from the payment of taxes or aids), shall, towards raising the said respective sums before by this Act charged upon the respective counties, cities, boroughs, towns and other places of England, Wales or Berwick as aforesaid, yield and pay unto his Majesty the sum of four shillings for every twenty shillings by the year for every such annuity, pension, stipend or yearly payment respectively, and after that rate for one whole year: The said several rates and sums of money hereby granted to be assessed, imposed, levied and collected in such manner as herein-after is mentioned. [Rep. in part, Stat. Law Rev. Act, 1871. Residue virt. rep.]

Lands, tene-  
ments, mines,  
&c.

IV. AND to the end the full and entire sum by this Act charged upon the several counties, cities, boroughs, towns and places respectively of England, Wales and Berwick as aforesaid may be fully and completely raised and paid to his Majesty's use: Be it further enacted by the authority aforesaid, that all and every manors, messuages, lands and tenements, and also all quarries, mines of coal, tin and lead, copper, mundic, iron and other mines, iron mills, furnaces, and other iron works, salt-springs and salt-works, all allom-mines and works, all parks, chaces, warrens, woods, underwoods, coppices, and all fishings, tithes, tolls, annuities and all other yearly profits, and all hereditaments, of what nature or kind soever they be, situate, lying and being, happening or arising within the several and respective counties, cities, boroughs, towns or places aforesaid respectively or within any parts of the same, as well within ancient demesne and other liberties and privileged places, as without, within that part of Great Britain called England, Wales or Berwick as aforesaid, and all and every person and persons, bodies politick and corporate, guilds, mysteries, fraternities and brotherhoods, whether corporate or not corporate, having or holding any such manors, messuages, lands, tenements or hereditaments or other the premises, in respect thereof, shall be charged with as much equality and indifference as is possible, by a pound-rate, for or towards the said several and respective sums by this Act set or imposed, or intended to be set and imposed, for and upon all and every such counties, cities, boroughs, towns or other places hereby charged therewith as aforesaid, so that by the said rates so to be taxed or assessed for or upon the said ready money, debts, goods, wares, merchandizes, chattels or personal estates, and [Rep., Stat. Law Rev. Act, 1871.] for and upon the said offices and employments of profit, and for and upon the pensions, annuities, stipends or yearly payments aforesaid, and [Virt. rep.] for and upon the said manors, messuages, lands, tenements and hereditaments and other the premises, according to the purport and true meaning of this present Act, the full and entire sums hereby appointed to be raised in England, Wales and Berwick as aforesaid shall be completely and effectually taxed, assessed, levied and collected, and shall be paid into the receipt of his Majesty's Exchequer by four quarterly payments, the first payment thereof to be made on or before the twenty-fourth day of June which shall be in the year of our Lord one thousand seven hundred and ninety-eight.

and all persons  
holding the  
same,

to be charged  
with equality  
and indiffer-  
ence by a  
pound-rate, &c.

payable  
quarterly.

Rent-charges,  
annuities, &c.  
to be rated.

V. AND whereas many of the manors, messuages, lands, tenements, tithes, hereditaments and premises in England, Wales and Berwick upon Tweed, intended by this Act to be charged with a pound-rate as aforesaid, stand incumbered with or are subject or liable to the payment of several rent-

charges or annuities or other annual payments issuing out of the same, or to the payment of divers fee-farm rents, rents-service or other rents thereupon reserved or charged, by reason whereof the true owners and proprietors of such manors, messuages, lands, tenements or hereditaments do not in truth receive to their own use the true yearly value of the same, for which nevertheless they are by this Act chargeable with a certain pound-rate: It is therefore declared and enacted by the authority aforesaid, that it shall and may be lawful to and for the landlords, owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises in England, Wales and Berwick upon Tweed, being charged with a pound-rate as aforesaid, to abate and deduct and to detain and keep in his, her or their hands, out of every such fee-farm rent or other annual rent or payment, so much of the said pound-rate, which shall be taxed or assessed upon the said manors, messuages, lands and premises, as a like rate for every such fee-farm rent, or any other annual rent or payment respectively, shall by a just proportion amount unto, so as such fee-farm rent or other annual rent or payment respectively do amount unto twenty shillings per annum or more; and all and every person or persons who are or shall be any ways entitled to such rents or annual payments, their respective auditors, reeves, receivers, and their deputy or deputies, are hereby required to allow such deductions and payments according to such rates, upon receipt of the residue of such monies as shall be due and payable to them for such rents or annual payments reserved or charged as aforesaid, without any fee or charge for such allowance.

VI. AND be it further enacted by the authority aforesaid, that for the better assessing, ordering, levying and collecting of the several sums of money so as aforesaid limited and appointed to be raised and paid in the aforesaid part of Great Britain called England, Wales and Berwick upon Tweed, and for the more effectual putting of this Act in execution in reference to the same, all and every the person and persons who in and by an Act of Parliament made and passed in the thirty-seventh year of his Majesty's reign, intituled "An Act for appointing commissioners for putting in execution an Act of this session of Parliament, intituled 'An Act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and ninety-seven,'" were named and appointed commissioners for putting in execution the same Act within the several counties, cities, boroughs, cinque ports, towns and places of England, Wales and town of Berwick upon Tweed, duly qualifying themselves according to this Act in that behalf, shall, together with any other persons that may be appointed by any Act to be made in this session of Parliament, be commissioners for putting in execution, and shall put in execution this present Act, and the powers therein contained, within and for the same counties, ridings, cities, boroughs, cinque ports, towns and places respectively. [Rep., Stat. Law Rev. Act, 1871.]

Commissioners of the land tax for 1797, &c. are to put this Act in execution.

VII. AND be it further enacted and declared, that the several commissioners aforesaid shall meet together at the most usual and common places of meeting within each of the said counties, ridings, cities, boroughs, cinque ports, towns and places respectively, within England, Wales and Berwick upon Tweed, for which they are appointed commissioners as aforesaid, on or before the thirtieth day of April one thousand seven hundred and ninety-eight, and shall meet afterwards in like manner, as often as it shall be necessary for putting so much of this Act in execution as is hereby committed to their care and charge; and the said commissioners or so many of them as shall be present at such general meeting or meetings, or the major part of them, are hereby authorised and required to put so much as aforesaid of this present Act in execution, and shall ascertain and set down in writing the several proportions

Commissioners to meet on or before the 30th April 1798,

and ascertain the sums to be charged on each hundred, &c., in proportion to the

assessment  
under 4 Will.  
& Mar. c. 1.

Commission-  
ers may sub-  
divide them-  
selves, &c.

Lists of the  
commission-  
ers to act in  
each division  
to be given to  
the receiver-  
general.

Commissioners  
to cause the  
sums charged  
on each  
hundred, &c.  
to be assessed  
therein ;

and to summon  
fit persons to  
be assessors,  
who are to  
appear before  
them in eight  
days after  
summons, to  
receive a  
charge from  
them.

Persons ab-  
senting them-  
selves, or  
refusing to  
serve, to  
forfeit not ex-  
ceeding 5*l*.

which ought to be charged upon every hundred, lathe, wapentake, rape, ward or other division respectively within England, Wales and Berwick upon Tweed, for and towards the raising and making up the whole sum before by this Act charged upon the whole county, city or other places for which they are hereby appointed commissioners, by charging in proportion to the sums which were assessed on the same hundreds or divisions respectively by an Act of Parliament made and passed in the fourth year of the reign of their late Majesties King William and Queen Mary of blessed memory (intituled An Act for granting to their Majesties an aid of four shillings in the pound for one year for carrying on a vigorous war against France); and shall also, if they see cause, subdivide and distribute themselves and the other commissioners not then present into less numbers, so as three or more of the said commissioners may be appointed for the service of each hundred, lathe, wapentake, rape, ward or other division, as may best conduce to the carrying on his Majesty's service hereby required; nevertheless not thereby to restrain the said commissioners or any of them from acting as commissioners in any other part of the county or place for which they are appointed.

VIII. AND for the more effectual performance thereof, be it enacted and declared, that the commissioners at such general meeting, or the major part of them then present, shall also agree and set down in writing who and what number of the said commissioners shall act in each of the said divisions or hundreds, and shall deliver true copies of such writings to the receiver-general to be appointed by his Majesty or in pursuance of his directions, to the end there may be no failure in any part of the due execution of the service by this Act required: And the said commissioners within the several hundreds, lathes, wapentakes, rapes, wards or other divisions in England, Wales and Berwick upon Tweed, or any two or more of them, are hereby authorised and required to cause the several proportions charged on the respective hundreds, lathes, wapentakes, rapes, wards or other divisions as aforesaid, for or towards the aid hereby granted, to be equally taxed and assessed within every such hundred, lathe, wapentake, rape, ward or other division, and within every parish and place therein, according to the best of their judgements and discretion; and for that end and purpose to direct their several or joint precept or precepts to such inhabitants, high-constables, petty-constables, bailiffs and other officers and ministers, and such number of them as they in their discretions shall think most convenient, to be presentors and assessors, requiring them to appear before the said commissioners at such place and time, not exceeding eight days after the date of such precept, as they shall appoint; and at such their appearances the said commissioners, or such of them as shall be then present, shall openly read or cause to be read unto them the several rates, duties and charges in this Act mentioned, and openly declare the effect of their charge to them, and how and in what manner they should and ought to make their said assessments, and how they ought to proceed in the execution of this Act, according to the true meaning of the same; and if any such constable, petty-constable, bailiff, officer or minister or other inhabitants, to whom any precept shall be directed, shall absent themselves without lawful excuse, to be made out by the oaths of two or more credible witnesses (which oaths the said commissioners or any two or more of them are hereby empowered to administer), or if any officer or person



appearing shall refuse to serve, then every such officer or person so making default or refusing to serve shall for every such default or refusal forfeit or lose to his Majesty such sum or sums of money as the said commissioners or so many of them as shall be present, or the major part of them being present, shall think fit, not exceeding the sum of five pounds nor less than forty shillings: And at and after such charge given as aforesaid the said commissioners shall take care that warrants be issued and directed to two at least of the most able and sufficient inhabitants of each parish, township or place, residing within the parish where such township or place shall lie in their respective divisions thereby appointed, requiring them to be assessors of all and every the rates and sums of money by this Act imposed, and also therein appointing and prefixing a certain day and place for the said assessors to appear before them, and to bring in their assessments in writing; which said assessors are hereby strictly enjoined and required, with all care and diligence, to assess the full sum given them in charge respectively upon all ready money, debts, personal estates, offices, employments, annuities and pensions chargeable as aforesaid, according to this Act, and [Virt. rep.] by an equal pound-rate upon all manors, lands, tenements, rents, hereditaments and other the premises, within the limits, circuits and bounds of the respective parishes or places for which they shall be appointed assessors as aforesaid; and shall bring with them at the time and place so as aforesaid prefixed for their appearance a certificate in writing of the said assessment, and shall then also return the names of two or more able and sufficient persons, living within the limits and bounds of those parishes, townships, constablewicks and places where they shall be chargeable respectively, to be collectors of the monies which shall be assessed as aforesaid, and to be paid to his Majesty by this Act; for whose paying in to the receiver-general or his deputy, in manner herein-after mentioned, such monies as they shall be chargeable withal, the parish or place wherein they are so employed shall be answerable: And if any assessor so appointed or to be appointed shall neglect or refuse to serve, or shall make default at the time appointed for his appearance, not having lawful excuse, to be made out by the oaths of two credible witnesses (which oaths the said commissioners or any two or more of them have hereby power to administer), or shall not perform his duty, every such assessor shall for every such neglect, refusal or default forfeit and lose to his Majesty such sum as the commissioners or so many of them as shall be present, or the major part of them, shall think fit, not exceeding the sum of forty pounds, to be levied by distress and sale of the offender's goods and chattels, in like manner as by this Act is appointed for levying the several rates and assessments herein mentioned in case of neglect or refusal of payment, and to be charged upon the respective receivers-general, together with the said rates and assessments: And for completing the whole sum charged to be raised in England, Wales and Berwick upon Tweed as aforesaid, and to the end the aforesaid sums charged upon the several and respective counties, ridings, cities, boroughs, towns and places for or towards the same may be duly collected and true accounts thereof made, the said assessors are hereby required to deliver one copy of their respective assessments, fairly written and subscribed by them, unto the said commissioners within the time to be prefixed as aforesaid: And the said commissioners or any three or more of them are hereby required and ordered to sign and seal two duplicates of the same assessments; and one of

nor less than 40s.

Two sufficient inhabitants of each parish, &c. to be assessors.

Assessments to be brought in at a day and place prefixed. The full sum charged to be assessed.

A certificate of the assessment to be brought in, with the collectors names.

Parishes, &c. to be answerable for the collectors.

Assessors, &c. neglecting their duty to be fined not above 40l., to be levied by distress, &c.

Assessors to deliver one copy of the assessments to the commissioners.

Duplicates thereof to be signed, &c.,

and one delivered to collectors, &c., with warrant for collecting.

Commissioners to give collectors notice at what time and place the appeal of any person who shall think himself aggrieved by being over-rated may be heard and determined, &c.

Order of commissioners on appeal to be final.

Duplicates in parchment to be delivered, together with the names of the assessors and collectors, to the receivers-general, and to the remembrancer's office; by August 8, 1798, or 20 days after (all appeals being first determined). Remembrancer to give receipts gratis, on penalty of 10*l*.

The rates to be levied on the parties, or

them to deliver or cause to be delivered to two or more honest and responsible persons to be collectors, which the said commissioners are hereby authorised to nominate and appoint for each parish or place, with warrant to the said collectors to collect the same assessments payable as aforesaid, so as the said several sums may be paid to the receiver-general at the respective times herein limited: And the said commissioners are hereby also required at the same time to give the said collectors notice at what time or times, place or places, the appeals of any person or persons who shall think themselves aggrieved by being over-rated by the said assessors may be heard and determined; which day or days of appeal so to be appointed by the said commissioners shall be at least thirty days from the time of signing, sealing and delivering the said duplicates to the said collectors; and every such collector is hereby also required, within ten days after the receipt of such duplicates from the said commissioners, to cause publick notice to be given in every parish church, or chapel of ease belonging to any such parish, within his district or division, immediately after divine service on the Lord's day (if any such divine service shall be performed therein within that time), of the time and place so appointed by the said commissioners for hearing and determining appeals as aforesaid; and shall also cause the like notices to be fixed in writing upon the door of each of the said respective parish churches, or chapels of ease belonging to any such parishes, on the same day, that all persons, who shall think themselves over-rated, may know when and where to make their appeal to the said commissioners; and the said collectors are hereby also required, upon the application of any person or persons who shall think himself or themselves over-rated to the said rates and assessments, to permit such person or persons, or their stewards or bailiffs or other proper representatives, to inspect the duplicates of such rates and assessments upon the division or district of which he is collector, at all seasonable times in the day, without any fee or reward for the same; and every person so intending to appeal to the said commissioners shall and is hereby required to give notice thereof in writing to one or more of the assessors of the parish wherein he is rated of such his intention to appeal, that such assessor or assessors, if they shall think proper, may then and there attend to justify the said assessment; and it is hereby declared, that all appeals once heard and determined by the said commissioners or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals as aforesaid, shall be final, without any further appeal, upon any pretence whatsoever: And the said commissioners are hereby required to deliver or cause to be delivered a schedule or duplicate in parchment under their hands and seals, fairly written, containing the whole sum assessed upon each parish or place, and also the Christian names and surnames of the respective assessors and collectors, unto the receiver-general of each county, riding, city, borough, town and place respectively in England, Wales and Berwick upon Tweed, or his deputy, and shall transmit or cause to be transmitted a like schedule or duplicate into the King's remembrancer's office of the Exchequer; and this the said commissioners shall cause to be done upon or before the eighth day of August one thousand seven hundred and ninety-eight, or within twenty days after (all appeals to them being first determined); for which duplicates the remembrancer or his deputy shall give to the person who brings the same a receipt in writing, gratis, under the penalty of ten pounds, to be recovered to the King's use, as other penalties are by this Act recoverable. [Virt. rep.]

IX. AND be it further enacted by the authority aforesaid, that the persons so appointed to be collectors as aforesaid in England, Wales and Berwick

upon Tweed, shall levy and collect all and every the rates and taxes so assessed and charged, according to the intent and direction of this Act; which said collectors are hereby required to demand all and every the sum and sums of money which shall be so taxed and assessed of the parties themselves, as the same shall become due, if they can be found, or else at the place of their last abode, or upon the premises charged with the assessment: And the said several collectors shall collect and levy the said monies so charged for his Majesty's use, and are hereby required and enjoined to pay unto the receivers-general or their deputies all and every the said rates and assessments by them respectively collected and received, at such time or times, place or places, as the said commissioners or any two or more of them shall appoint, so as the whole sums due for each quarterly payment shall be paid or answered by the said collectors to the receivers-general, or their deputies respectively, upon the days and at the times by this Act appointed for payment thereof. [Virt. rep.]

on the premises charged;

and to be paid to the receivers-general, &c.

X. AND be it further enacted and declared by the authority aforesaid, that the money received by the said collectors within their respective divisions or hundreds as aforesaid shall from time to time be duly paid to the receiver-general or his deputy or deputies to be appointed under his hand and seal, whereof notice under the hand and seal of the respective receivers-general shall be given to the commissioners or any two or more of them, within the respective divisions or hundreds as aforesaid, within ten days after the next general meeting, and so from time to time within ten days after every death or removal of any deputy, if any such should happen; and the receipt of such receiver-general, his deputy or deputies or any of them (which receipt or acquittance shall be given gratis to the collectors for all money by them paid), shall be a sufficient discharge to every such collector; and the particular collectors aforesaid are hereby required to pay in all and every the sums so received by them to the said receivers general or their deputy or deputies, for the payment whereof the said collectors shall not be obliged to travel above ten miles from the place or places of their inhabitations. [Virt. rep.]

The money collected to be paid to the receiver-general or deputies, and they to give commissioners notice.

Collectors not obliged to travel above ten miles.

\* \* \* \* \*

XIII. AND be it further enacted by the authority aforesaid, that every receiver-general in England, Wales, and Berwick upon Tweed, from time to time within the space of one month next after he shall have received the full sum that shall be charged on any hundred or division for such particular payment that is to be made to such receiver-general by virtue of this Act, shall give to such commissioners as shall act in such division or hundred a receipt under his hand and seal, acknowledging the receipt of the full sum charged upon such hundred or division for such particular payment, which receipt shall be a full discharge to each hundred or division for such particular payment, against his Majesty, his heirs and successors; which said receivers-general are hereby required forthwith, or at farthest within twenty days after the receipt of any money of the taxes or duties by this Act granted, to transmit or cause to be paid the money by them received into the receipt of his Majesty's Exchequer [Virt. rep.]; . . . . .

Receiver general, within a month after receiving the full sum charged, to give the commissioners a receipt,

which shall be a full discharge for payment.

Receiver-general within 20 days to pay the monies into the Exchequer.

XIV. AND be it further enacted and declared by the authority aforesaid, that the collectors of the aforesaid rates and assessments in England, Wales and Berwick upon Tweed hereby granted, for gathering the particular sums charged upon the parish or place for which they shall be appointed collectors by virtue of this Act, and for giving receipts to the person or persons of whom they receive the same, shall, upon collection of the whole sum appointed to be collected by them, and payment thereof as is hereby before appointed, have and receive, for their pains in collecting and paying the money, three-pence in the pound, which the said collectors are empowered to detain out of the last payment of the monies of their several and respective quarterly payments;

Collectors to have 3d. in the pound.

Commissioners clerks to have three-halfpence in the pound.

and the said receiver-general, upon the receipt of the whole assessments of the county, riding, city or town for which he is appointed receiver-general (in case he shall have received the several duplicates of each parish and place therein, and that duplicates shall be returned to the office of his Majesty's remembrancer of the Exchequer as aforesaid, and not otherwise), shall allow and pay according to such warrant as shall be given in that behalf by the said commissioners or any two or more of them, three-halfpence in the pound, and no more, to the commissioners clerks for their pains in fair writing the assessments, duplicates and copies herein-before directed, and all warrants, orders and instructions relating thereunto; and which said clerks shall be appointed by a majority of the acting commissioners present at each respective meeting within every such hundred, lathe, wapentake, rape, ward or other division.

Publick books and papers relating to the land tax

XV. AND whereas many difficulties and inconveniences have arisen and still frequently happen to the commissioners of the land tax for the time being upon the death or removal of their respective clerks, into whose custody the duplicates of the several books of assessments, minute books and other books and papers relating to the business of the land tax in their respective divisions have been delivered, such clerks so removed, or the executors and administrators or other legal representatives of such clerk so dying, frequently refusing to deliver over such duplicates, books and papers to the said commissioners for the time being or to their order or appointment, under a pretence that the said commissioners have no property in the same, and are without remedy for the recovery thereof: Be it therefore enacted by the authority aforesaid, that all and every the duplicates of the several books of assessments which have been or shall be made and delivered by the respective assessors of the land tax to the commissioners of the land tax in any division or place, or to their respective clerks for the time being, and which are or shall be in the custody, keeping or possession of such commissioners or clerks respectively, and all minute books and other publick books and papers relating to the land tax in the custody, keeping or possession of any such clerk or clerks who hath or have been or shall be removed from such office or offices, or in the custody, keeping or possession of the executors, administrators or other legal representatives of any person or persons who hath or have died or shall die during his or their holding such office or offices, or after his or their removal from the same, or in the custody, keeping or possession of his or their respective agent or attorney, or of any other person or persons whomsoever, shall be deemed and are hereby declared to be the property of the commissioners of the land tax acting in such respective division or place for the time being, and in succession, as records of and belonging to them the said commissioners, for their use and inspection; and shall be placed and deposited with and remain in the custody, keeping and possession of them the said commissioners or their respective clerks for the time being, or of such other person as the said commissioners or any three or more of them for the time being shall from time to time at their meetings order, direct or appoint.

to be vested in commissioners as records;

and to remain in their custody.

Persons having in their custody such books, &c.

XVI. AND be it further enacted by the authority aforesaid, that all and every the person and persons aforesaid, now or at any time hereafter having in his or their custody, keeping or possession any such books or papers aforesaid relating to the land tax, shall, within the space of one calendar month

next after notice in writing signed by three or more of the said commissioners respectively, or a true copy thereof, given to or left at the usual place of abode of such person or persons, deliver and give up all such books and papers unto such person or persons as the said commissioners, by such notice, shall order and appoint, whose receipt for the same shall be a good and sufficient discharge to such person or persons so delivering such books and papers: And if any such person or persons, now or at any time hereafter having in his or their custody, keeping or possession any such books or papers, shall refuse or neglect so to deliver the same within the time limited by such notice and demand made, he or they shall for such offence forfeit and pay the sum of fifty pounds of lawful money of Great Britain; one moiety whereof shall be paid to the receiver-general of the land tax of the county wherein such offence shall happen to be committed, and shall by him be applied in aid of the land tax of such county, and accounted for by him accordingly, and the other moiety thereof to the person or persons who shall sue for the same, and shall be recovered, together with full costs of suit, by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, in which no essoin, protection, wager of law or more than one imparlance shall be allowed.

to deliver up  
the same on  
one month's  
notice,  
on penalty of  
50*l*.

Application of  
the penalty.

XVII. AND whereas doubts have arisen touching the authority of collectors to distrain for non-payment of the land tax under the warrants usually granted by commissioners at the time of their appointments: Be it further enacted and declared, that if any person shall refuse or neglect to pay any sum or sums of money whereat he or she shall be rated or assessed in England, Wales or Berwick upon Tweed by this Act, upon demand by the said collector or collectors of that place, according to the precepts or estreats to him or them delivered by the said commissioners, that then, and in all and every such case and cases, it shall and may be lawful to and for the said collectors or any of them, and they are hereby authorized and required, to levy the sum assessed by distress and sale of the goods and chattels of such person so neglecting or refusing to pay, or distrain upon the messuages, lands, tenements and premises so charged with any such sum or sums of money, without any further authority from the commissioners for that purpose, and the goods and chattels then and there found, and the distress so taken, to keep by the space of four days at the costs and charges of the owners; and if the said owners do not pay the sum or sums of money so rated or assessed within the said space of four days, then the said distress to be appraised by two or more of the inhabitants where the same shall be taken, or other sufficient persons, and to be sold by the said collectors for payment of the said money, and the overplus coming by such sale (if any be), over and above the tax and charge of taking and keeping the said distress, to be immediately returned to the owners thereof; and moreover, that it shall be lawful to break open, in the day-time, any house, and, upon warrant under the hands and seals of any two or more of the said commissioners, any chest, trunk, box or other thing where any such goods are, calling to their assistance the constables, tything-men or headboroughs within the counties, ridings, cities, towns or places where any refusal or neglect shall be made, which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their perils; and if any question or difference

Collectors may  
levy by dis-  
tress, in case of  
refusal of pay-  
ment.

Distress to be  
kept four days  
at the owner's  
charge, and  
then to be ap-  
praised and  
sold, and the  
overplus re-  
turned, &c.

Commissioners  
to determine  
differences  
about distress.

For evasion of  
distress, of-  
fenders may be  
committed,  
except a peer  
or peeress of  
Great Britain.

Tenants to pay  
the tax,

and deduct  
landlords'  
share out  
of the rents.

Tenants dis-  
charged for  
what they so  
pay.

Commissioners  
to settle differ-  
ences between  
landlord and  
tenant, &c.

Commissioners  
to cause all  
deficiencies to  
be re-assessed  
and made good.

shall happen upon taking such distress, the same shall be determined and ended by the said commissioners or any two or more of them; and if any person or persons assessed by this Act in England, Wales or Berwick upon Tweed as aforesaid shall neglect or refuse to pay his, her or their assessment by the space of ten days after demand as aforesaid, or convey away any of his, her or their goods or other personal estate, whereby the sums of money so assessed cannot be levied according to this Act, in every such case any two or more of the commissioners aforesaid for any city, county or place are hereby authorized, by warrant under their hands and seals, to commit such person or persons (except a peer or peeress of Great Britain) to the common gaol, there to remain, without bail or mainprise, until payment be made of the money assessed, and the charges for bringing in the same be paid, and no longer: And the several and respective tenant or tenants of all houses, lands, tenements and hereditaments in England, Wales or Berwick upon Tweed, which shall be rated by virtue of this Act, are hereby required and authorized to pay such sum or sums of money as shall be rated upon such houses, lands, tenements or hereditaments, and to deduct out of the rent so much of the said rate as in respect of the said rents of any such houses, lands, tenements and hereditaments the landlord should and ought to pay and bear; and the said landlords, both mediate and immediate, according to their respective interests, are hereby required to allow such deductions and payments upon receipt of the residue of the rents.

XVIII. AND be it enacted and declared, that every tenant paying the said assessment or assessments last mentioned shall be acquitted and discharged of so much money as the said assessment or assessments shall amount unto, as if the same had actually been paid unto such person or persons to whom his rent shall have been due and payable: And if any difference shall arise between landlord and tenant, or any other, concerning the said rates in England, Wales or Berwick upon Tweed, the said several commissioners, or any two or more of them, in their several divisions, shall have and they have hereby power to settle the same as they shall think fit: And in case the proportions set by this or any former Act upon all and every the respective counties, ridings, cities, towns and places in England, Wales and Berwick upon Tweed shall not be fully assessed, levied and paid, according to the true meaning thereof, or if any of the said assessments shall be rated or imposed upon any person not being of ability to pay the same, or upon any empty or void house or land, where the same cannot be collected or levied, or that, through any wilfulness, neglect, mistake or accident, the said assessment charged on each county, riding, city, town or place as aforesaid, by virtue of this or any former Act, happens not to be paid to the receiver-general, his deputy or deputies, as in this or any former Act is directed, that then, and in all and every such case and cases, the several and respective commissioners, assessors and collectors aforesaid, and every of them respectively, are hereby authorized and required to assess and re-assess, or cause to be assessed or re-assessed, levied and paid, all and every such sum and sums of money upon the respective divisions or hundreds wherein such deficiency shall happen, or parishes therein, as to the said commissioners, or such number of them as by this Act are authorized to cause the said first assessment hereby required to be made, shall seem most agreeable to equity

and justice; the said new assessment to be made, collected and paid in such manner and by such means as in this Act for other assessments is declared and directed.

XIX. AND be it further enacted and declared by the authority aforesaid, that if any assessor or collector, or other person or persons, shall wilfully neglect or refuse to perform his or their duty in the due and speedy execution of this present Act, or shall be guilty of any fraud or abuse in executing the same, the said respective commissioners, or any three or more of them, have hereby power to impose on such person or persons so neglecting or refusing his or their duties, or being guilty of such fraud or abuse, such fine or fines as by them shall be thought fit, so the same exceed not the sum of forty pounds; which said fines shall not be taken off or discharged but by the consent of the majority of the commissioners who imposed the same, but shall be levied by warrant under the hands and seals of the said commissioners, or any two or more of them, by distress and sale of the goods and chattels of the offenders, and in default of goods and chattels the offender (not being a peer or peeress as aforesaid) to be committed by warrant under the hands and seals of the said commissioners, or any two or more of them, to prison, there to remain till payment of the said fine; and all fines to be imposed by virtue of this Act in England, Wales and Berwick upon Tweed shall be paid to the receivers-general, and by them into the receipt of his Majesty's Exchequer, and shall be inserted in the duplicates on parchment, fairly written, to be transmitted to the office of the King's remembrancer as aforesaid, that the same may be thereby known and charged in account.

Assessor, &c. refusing to serve, to forfeit not exceeding 40*l*.

Fine not to be discharged but by commissioners who imposed it, but to be levied by distress or imprisonment,

and paid into the Exchequer, and inserted in the duplicates.

\* \* \* \* \*

XXI. AND whereas the inhabitants of many parishes or places have frequently suffered by the frauds and insolvency of their collectors, by being subjected to re-assessments for monies embezzled by them: Be it enacted and declared by the authority aforesaid, that such persons as shall be nominated as before directed to be collectors shall, if required so to do, give good and sufficient security to any three or more of the commissioners appointed for carrying this Act into execution, equal to the amount of the whole rate to be collected in each district, for their duly paying to the receiver-general such monies assessed as aforesaid as shall come to their hands, which security the said commissioners, or any three or more of them, are hereby authorised and empowered to take; and on failure of the persons so named to be collectors as before directed giving such security, if required, the said commissioners, or any three or more of them, shall be at liberty and are hereby authorised to appoint any other two or more sufficient persons, who can give such security as aforesaid, residing within the limits and bounds of the parishes, townships, constablewicks and places where they shall be chargeable, to be collectors of the monies to be raised by this Act: Provided always, that if no persons can be found within the several parishes, townships, constablewicks or places respectively who are willing or able to give such security, then and in such case the persons who were first named by the commissioners as before directed shall be collectors of the monies assessed and charged under this Act.

Collectors to give, if required, security to the amount of the rate to be collected by them.

XXII. AND it is hereby further enacted and declared, that at the expiration of the respective times in this Act prescribed for the full payment of the said

Commissioners to examine whether the

sums assessed  
be duly col-  
lected, &c.

quarterly assessments in England, Wales and Berwick upon Tweed, the several and respective commissioners, or any two or more of them, within their division or hundred, shall and are hereby required to call before them the collector or collectors within each respective division or hundred, parish or place, and to examine him or them upon oath, and assure themselves of the full and whole payment of the particular sum and sums of money charged upon the same division or hundred, and every parish and place therein, and of the due return of the same into the hands of the respective receivers-general, their deputy or deputies, of the said counties, ridings, cities, towns, and places respectively, and by such receivers-general into the receipt of his Majesty's Exchequer, to the end there may be no failure in the payment of any part of the assessment by virtue of this Act to be assessed and paid, nor any arrears remaining chargeable upon any of the said counties, ridings, cities, towns and places respectively; and in case of any failure in the premises, the said commissioners, or any two or more of them, are hereby authorised and required to cause the same to be forthwith levied and paid, according to the true intent and meaning of this Act.

In case of con-  
troversies in  
assessing com-  
missioners, the  
commissioners  
concerned to  
withdraw,

XXIII. AND it is hereby enacted and declared, that in case any controversy shall arise concerning the said assessments, or the dividing, apportioning or payment thereof, which concerns any of the commissioners before by this Act appointed, the commissioners so concerned in the said controversy, in their own right, or in the right of any other person for whom they shall act as steward, agent, attorney or solicitor, shall have no voice, but shall withdraw at the time of the debate of such controversy, until it be determined by the rest of the commissioners; and in default thereof, the commissioners then present shall have power, and are hereby required, to impose such fine or fines as to them shall be thought fit, upon the commissioner so refusing to withdraw, not exceeding twenty pounds, and to cause the same to be levied and paid as other fines to be imposed by virtue of this Act are to be levied and paid; and all questions and differences which shall arise touching any of the said rates, duties and assessments in England, Wales and Berwick upon Tweed, or the collecting thereof, shall be heard and finally determined by the said commissioners in such manner as by this Act is directed, upon complaint thereof made to them by any person or persons thereby grieved, without further trouble or suit in law in his Majesty's Court of King's Bench or any other court whatsoever.

or to be fined  
each not ex-  
ceeding 20*l*.

Commissioners  
to decide all  
questions re-  
specting rates,  
&c.

No privileged  
place or person  
exempt from  
this tax.

Fee-farm rents,  
&c. to be taxed.

Tenants to pay  
the rates, and  
deduct them  
from their  
rents, &c.

XXIV. AND be it further enacted and declared, that no privileged place or person, body politick or corporate, within the counties, ridings, cities and towns aforesaid in England, Wales and Berwick upon Tweed, shall be exempted from the said assessments and taxes, but that they and every of them, and also all fee-farm rents, and all other rents, payments, sum and sums of money and annuities issuing out of or payable for any lands, shall be liable towards the payment of every sum by this Act to be taxed and levied; and all such tenants are hereby directed and authorised to pay them proportionably, according to the rates and assessments by this Act directed and appointed; and all such tenants shall be hereby saved and kept harmless by the authority of this Act from any further payment of any such proportion of such rent, rents, sums of money or annuities to any person or persons to whom any such rent, rents, sums of money or annuities as aforesaid



should or ought to be paid, to all intents and purposes whatsoever, as fully and amply as if they had paid the same to any person or persons to whom the same is or are reserved or become due.

XXV. PROVIDED that nothing in this Act contained shall extend to charge any college or hall in either of the two universities of Oxford or Cambridge, or the colleges of Windsor, Eaton, Winton or Westminster, or the Corporation of the governors of the charity for the relief of the poor widows and children of clergymen, or the college of Bromley, or any hospital in England, Wales or Berwick upon Tweed, for or in respect of the scites of the said colleges, halls or hospitals, or any of the buildings within the walls or limits of the said colleges, halls or hospitals; or any master, fellow, scholar or exhibitor of any such college or hall, or any reader, officer or master of the said universities, colleges or halls, or any masters or ushers of any schools in England, Wales or Berwick upon Tweed, for or in respect of any stipend, wages, rents, profits or exhibitions whatsoever arising or growing due to them in respect of the said several places or employments in the said universities, colleges or schools; or to charge any of the houses or lands which on or before the five and twentieth day of March one thousand six hundred and ninety-three did belong to the scites of any college or hall in England, Wales or Berwick upon Tweed, or to Christ's Hospital, Saint Bartholomew, Bridewell, Saint Thomas and Bethlehem Hospitals, in the city of London and borough of Southwark, or any of them, or to the said corporation of the governors of the charity for the relief of the poor widows and children of clergymen, or the college of Bromley; or shall extend to charge any other hospitals or alms-houses in England, Wales or Berwick upon Tweed, for or in respect only of any rents or revenues which on or before the said five and twentieth day of March one thousand six hundred and ninety-three were payable to the said hospitals or alms-houses, being to be received and disbursed for the immediate use and relief of the poor of the said hospitals and alms-houses only.

Colleges in the universities, &c. not chargeable;

nor any of the houses or lands which, before March 25, 1693, did belong to Christ's Hospital, &c., or to the Corporation for relief of clergymen's widows, &c., or Bromley College, nor any other hospitals, &c. for rents &c. payable before March 25, 1693.

XXVI. PROVIDED that no tenants that hold and enjoy any lands or houses by lease or other grant from the said corporation, or any of the said hospitals or alms-houses, do claim or enjoy any freedom, exemption or advantage by this Act; but that all the houses and lands which they so hold shall be rated and assessed for so much as they are yearly worth, over and above the rents reserved and payable to the said corporation or to the said hospitals or alms-houses, to be received and disbursed for the immediate support and relief of the poor of the said hospitals and alms-houses.

No tenants of hospitals, &c. to claim any exemption.

XXVII. PROVIDED always, that nothing in this Act contained shall be construed or taken to discharge any tenant of any of the houses or lands belonging to the said colleges, halls or hospitals, alms-houses or schools, or any of them, who by their leases or other contracts are and do stand obliged to pay and discharge all rates, taxes and impositions whatsoever; but that they and every of them shall be rated, and pay all such rates, taxes and impositions, any thing in this Act contained to the contrary notwithstanding.

Such tenants not discharged who by leases are obliged to pay taxes.

XXVIII. AND in case any question hath been or shall be made how far any lands or tenements belonging to any hospital or alms-house in England, Wales or Berwick upon Tweed, not exempted by name out of this Act,

Commissioners to determine how far lands, &c. belonging

to hospitals,  
&c. not ex-  
empted by  
name, ought  
to be charged.

All lands or  
revenues be-  
longing to any  
hospitals, &c.  
which were  
assessed by Act  
4 Will. & Mar.  
c. 1. shall be  
liable to this  
Act, &c.

Auditors, &c.  
of fee-farm  
rents of the  
crown, &c.  
to allow  
4s. per pound  
to the parties,  
without fee, on  
penalty of 20l.

Auditors, &c.  
setting insuper  
tenants for  
what ought to  
be allowed, or  
refusing allow-  
ance,

to forfeit 100l.,  
&c.

Such fee-farm  
rents only to  
have an allow-  
ance of 4s. per  
pound as are  
answerable to  
the crown, or  
were purchased  
from the  
crown under  
22 Cha. 2. c. 6.,  
and 22 & 23  
Cha. 2. c. 24.

ought to be assessed and charged to the land tax, be it enacted and declared, that the same shall be determined by the said commissioners, or any three or more of them, or the major part of them then present, upon appeal before them at the day or days by them appointed for the hearing and determining of appeals, whose determination in such case shall be final.

XXIX. PROVIDED always, and it is hereby enacted, that all such lands, revenues or rents belonging to any hospital or alms-house, or settled to any charitable or pious use, as were assessed in the fourth year of the reign of their late Majesties King William and Queen Mary, shall be, and are hereby adjudged to be liable to be charged towards the payment of this present aid; and that no other lands, tenements or hereditaments, revenues or rents whatsoever then belonging to any hospital or alms-house, or settled to any charitable or pious uses as aforesaid, shall be charged, taxed or assessed by virtue of this present Act towards the said sum to be raised in England, Wales and Berwick upon Tweed as aforesaid, any thing herein contained to the contrary notwithstanding.

XXX. AND it is hereby further enacted, that all and every auditors, reeves, receivers and their deputies, who audit or receive any fee-farm rents, or other chief rents (arising in England, Wales or Berwick upon Tweed) due to his Majesty, or to any person or persons claiming by any grant or purchase from or under the crown, shall allow four shillings for every pound of the said rents, and a proportionable rate for any greater sum than ten shillings, to the party or parties paying the same, without any fee for such allowance, upon the penalty of twenty pounds to the party grieved, to be recovered by action of debt, or upon the case, together with full costs of suit, any thing in this Act contained to the contrary thereof in any wise notwithstanding: And if any such auditor of the revenues or any of them belonging to his Majesty, or any deputy, or any other person acting for or on the behalf of any such auditor, shall, in the account of any reeve, receiver or otherwise, set insuper any tenant or other person, or make any such tenant or other person, or his or their estate, liable to any distress, forfeiture or vexation whatsoever, for any sum or sums of money which, by the true intent and meaning of this Act, ought to be allowed after the rate of four shillings in the pound, or shall refuse, neglect or delay to allow and finally discharge the same in the proper accounts wherein the same ought to be allowed and discharged, that then, and for every or any such offence, every such auditor, or deputy or person acting for such auditor, shall forfeit the sum of one hundred pounds to the party grieved, to be recovered as aforesaid, and shall be incapable to enjoy his office or place, or any office or place of trust under his Majesty.

XXXI. AND be it further enacted and declared by the authority aforesaid, that the fee-farm rents, for which a deduction or allowance after the rate of four shillings in the pound is intended to be made by this present Act, are such fee-farm rents only as are answerable to his Majesty, or have been purchased from the crown by virtue of two Acts of Parliament made in the two and twentieth and three and twentieth years of the reign of the late King Charles the Second, for and concerning the sale of fee-farm rents, or one of them, and which were not on or before the five and twentieth day of March one thousand six hundred and ninety-three payable to any college, hospital,

reader in either university, or any other person or persons before exempted by this Act; provided such deduction or allowance do not exceed the sum assessed by virtue of this Act upon the whole estate or estates out of which such purchased fee-farm rent or rents doth or do issue; and the owners and receivers of such fee-farm rents shall, and are hereby required, on payment of such rents, to allow four shillings for every twenty shillings of the said rents, and so in proportion for any sum not less than ten shillings, to the party or parties paying the same, any thing in this Act contained to the contrary notwithstanding.

The owners, &c. of rents to allow the deductions to the party paying.

\* \* \* \* \*

XXXIV. PROVIDED nevertheless, that no clause or proviso in this Act shall extend to the lessening or abatement of the full sum appointed by this Act to be taxed, collected, levied and paid; but that the same be fully assessed, levied, collected and paid in the several and respective counties, cities and towns aforesaid in England, Wales and Berwick upon Tweed, in such manner and form and to such uses as herein is before mentioned and declared.

No proviso to lessen the full sum by this Act to be levied.

XXXV. PROVIDED that nothing in this Act contained shall be construed to alter, change or determine or make void any contracts, covenants or agreements whatsoever between landlord and tenant, or any other persons, touching the payment of taxes and assessments in England, Wales and Berwick upon Tweed, any thing herein contained to the contrary notwithstanding.

Contracts between landlord and tenant touching taxes not to be avoided.

XXXVI. PROVIDED always, and be it further enacted and declared by the authority aforesaid, that for the avoiding all obstructions and delays in assessing and collecting the sums by this Act to be rated and assessed upon any manors, lands, tenements, rents, tithes or other hereditaments, all places, constablewicks, divisions and allotments, which have been used to be taxed and assessed, shall pay and be assessed in such county, hundred, rape, wapentake, constablewic, division or place of allotment, within England, Wales, and Berwick upon Tweed, as the same have heretofore been usually assessed in, and not elsewhere.

All places to pay where usually assessed.

XXXVII. PROVIDED nevertheless, that the hundred of West Barnfield, formerly taxed or assessed in the lathe of Alesford, in the county of Kent, may for the future (if the commissioners think fit) be rated and assessed in the lathe of Skray in the county aforesaid; as likewise may the tithing of Northmore, in the county of Oxford, be assessed in the hundred of Bampton in the said county; and the tithings of Charlbury, Fallur and Finstock, in the hundred of Chadlington in the said county; as also the whole town and parish of Leeds, in the county of York, in the hundred of Skyrack in the said county; and the parish of Ombersley, in the county of Worcester, in the lower division of Oswaldslow hundred in the said county; and the parish of Aldemaston in the eastern division of Oswaldslow hundred in the said county; and the parish of Yardley in Bromsgrove division of Halfshire hundred in the said county; and the parishes of Hanbury and Stoke Prior in Bromsgrove division of Halfshire hundred in the said county; and the parish of Church Lench, and that part of the parish of Crowle which is now taxed or assessed in the Bromsgrove division of Halfshire hundred in the said county, in the Pershore division; and the Forest of Chute shall be assessed and pay where the same was assessed to the first aid of four shillings in the

West Barnfield may be assessed in the lathe of Skray; Northmore in Bampton; Charlbury, &c. in Chadlington; Leeds in Skyrack; Ombersley in lower division of Oswaldslow; Aldemaston in eastern division of Oswaldslow; Yardley, &c. in Bromsgrove division of Halfshire, and Church Lench, &c. in Pershore division; Forest of Chute, where the first 4s. aid was

assessed ;  
Upton in Per-  
shore hundred ;  
and the profits  
of the Calder  
and Ayre  
navigations  
at Wakefield  
and Leeds.

pound granted to their late Majesties King William and Queen Mary ; and that the parish of Upton upon Severn, in the county of Worcester, formerly taxed and assessed in the lower division of Oswaldslow hundred in the said county, may for the future (if the commissioners think fit) be taxed and assessed in the lower division of Pershore hundred in the said county ; and also the profits of the navigation of the rivers Calder and Ayre, in the west riding of the county of York, shall be assessed and paid, one moiety thereof at the town of Wakefield, and the other moiety at the town of Leeds, and not elsewhere.

Inhabitants of  
apartments,  
&c. in Somerset  
House to be  
liable in pro-  
portion to the  
assessments on  
the other  
buildings, &c.  
within the  
Lancaster  
liberty.

XXXVIII. AND whereas the palace of Somerset House has been usually rated and assessed within the liberty of the duchy of Lancaster in the Strand, but the inhabitants and occupiers of apartments and buildings within and belonging to the said palace have evaded or refused the payment of the said rates, to the prejudice of the proprietors and owners of lands and buildings within the said liberty : Now it is hereby enacted and declared, that all and every the inhabitants and occupiers of apartments and buildings within and belonging to the said palace shall be liable to and chargeable with the payment of such rates and assessments as shall be set upon them respectively, in proportion to the rates and assessments that shall be made and assessed upon other the lands and buildings within the said liberty, and that the same powers and remedies shall be made use of for the assessing, levying and collecting such rates and assessments as are by this Act given for the assessing, levying and collecting the rates and duties thereby directed to be raised.

Persons pro-  
secuted for acts  
done in ex-  
ecution of this  
Act may plead  
the general  
issue.

XXXIX. AND be it further enacted by the authority aforesaid, that if any action, plaint, suit or information shall be commenced or prosecuted against any person or persons for what he or they do in pursuance or execution of this Act in England, Wales or Berwick upon Tweed, such person or persons so sued in any court whatsoever shall and may plead the general issue, not guilty, and upon issue joined may give this Act and the special matter in evidence ; and if the plaintiff or prosecutor shall become nonsuit or forbear further prosecution, or suffer a discontinuance, or if a verdict pass against him, the defendants shall recover treble costs, for which they have the like remedy as in cases where costs by law are given to defendants. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Treble costs.

Where lands,  
&c. are un-  
occupied, and  
no distress is  
found, collec-  
tors, &c. may  
distrain at any  
time after.

XL. PROVIDED always, and be it enacted, that in case any lands or houses in any parish, place, or constablewic in England, Wales or Berwick upon Tweed, shall be unoccupied, and no distress can be found on the same, by reason whereof the said parish, place, or constablewic is forced to pay and make good the tax assessed upon such lands lying unoccupied, that then it shall and may be lawful, at any time after, for the collectors, constables or tithingmen of the said parish, place or constablewic for the time being to enter and distrain upon the lands or houses where there shall be any distresses thereupon to be found, and the distress and distresses (if not redeemed within four days by payment of the tax and charges of the distress) to sell, returning the overplus to the owner or owners of such distress ; and the said collector, constable or tithingman is hereby enjoined to distribute the money raised by the said distress and sale proportionably to the parties who contributed to the tax of the unoccupied lands or houses.

Wood may be  
cut down and  
sold for dis-  
tress,

XLI. PROVIDED always, and be it enacted, that where any woodlands in England, Wales or Berwick upon Tweed shall be assessed, and no distress

can be had, that in such case it shall and may be lawful to and for any collector, constable, headborough or tithingman, by warrant under the hands and seals of two or more of the commissioners of that hundred or division, at seasonable times of the year, to cut and sell to any person or persons so much of the wood growing on the said woodlands so assessed (timber trees excepted) as shall pay the assessment or assessments so behind and unpaid and the charge incident thereunto; and it shall and may be lawful for the person or persons, and his or their assigns, to whom such wood shall be sold, to fell, cut down, dispose and carry away the same to his own use, rendering the overplus (if any be) to the owner, any law to the contrary notwithstanding.

timber trees  
excepted.

**XLII.** PROVIDED always, and be it further enacted, that where any tax or assessment shall be charged or laid on any tithes, such tolls as are chargeable by this Act, profits of markets, fairs or fisheries, or any other annual profits, in England, Wales or Berwick upon Tweed, not distrainable, in case the same shall not be paid within six days after such assessment so charged and laid and demanded, that it shall and may be lawful to and for the collector, constable or other officer thereunto appointed, by warrant under the hands and seals of any two or more of the commissioners authorized by this Act, to seize, take and sell so much of the said tythes, wheresoever they can be found, tolls or other profits so charged, as shall be sufficient for the levying the said tax or assessment and all the charges occasioned by such nonpayment thereof, rendering the overplus (if any be) to the owner.

Tithes, tolls,  
&c., if assess-  
ment not paid  
within six  
days after  
demand, &c.,  
may be seized  
and sold.

**XLIII.** AND for the better preventing such unjust vexations as might be occasioned by such persons as shall be appointed receivers-general of any of the sums of money granted by this Act to be raised in England, Wales or Berwick upon Tweed, and to the intent the said receivers-general may return a true account into his Majesty's Court of Exchequer of any sum or sums of money as shall be received by them and every of them, their and every of their deputy or deputies: Be it enacted by the authority aforesaid, that if any such receiver-general shall return or certify unto the said court any sum or sums of money to be in arrear and unpaid after the same have been received, either by such receiver-general or his deputy or deputies, or any of them, or shall cause any person or persons or places to be set insuper in the said court for any sum or sums of money that have been so received, that then every such receiver-general shall be liable to pay to every person or persons that shall be molested, vexed or damaged, by reason of any such unjust certificate, return or setting insuper, treble the damage that shall be thereby occasioned, to be recovered by action of debt, bill, plaint or information, in which no essoin, protection or wager of law shall be allowed, or any more than one imparlance; and shall also forfeit to his Majesty, his heirs and successors, double the sum that shall be so unjustly certified or returned or caused to be set insuper.

Receiver-ge-  
neral returning  
a person, who  
has paid the  
tax, as in  
arrear,

shall forfeit  
treble damages  
to the party  
grieved,

and to his Ma-  
jesty double  
the sum so  
returned.

**XLIV.** AND be it further enacted by the authority aforesaid, that the commissioners that shall be within any county, city or place within the respective limits of England, Wales or Berwick upon Tweed, or the major part of them, shall tax and assess every assessor within their divisions for all and singular the matters and things for which by this Act he ought to be taxed and assessed; and all sums assessed upon every the said assessors, and the assessments made and set by the assessors aforesaid, shall be written.

Commissioners  
to assess the  
assessors.

estreated, levied and gathered according to the true intent and meaning of this Act.

None compelled to be assessors out of the limits of the city, &c. where they dwell.

XLV. PROVIDED also, that no person inhabiting in any city, borough or town corporate in England, Wales or Berwick upon Tweed, shall be compelled to be an assessor or collector of or for any part of the rates and assessments hereby granted, in any place or places out of the limits of the said city, borough or town corporate.

Assessments on foreign ministers houses to be paid by the landlord.

XLVI. PROVIDED always, and be it enacted, that every rate, tax and assessment which shall be made or imposed by virtue of this Act in respect of any house or tenement which an ambassador, resident, agent or other publick minister of any foreign prince or state now doth or hereafter shall inhabit or occupy, shall be paid by the landlord or owner of the said houses or tenements respectively.

In places extraparochial, &c. commissioners to nominate assessors and collectors, &c.

XLVII. AND be it further enacted by the authority aforesaid, that in all privileged and other places, being extraparochial or not within the constablewics or precincts of the respective assessors to be appointed by virtue of this Act in England, Wales or Berwick upon Tweed (although in any monthly or other tax they have not been rated heretofore), and in all parishes where two able and sufficient inhabitants cannot be found, the said commissioners, or any two or more of them, shall and they are hereby required to nominate and appoint two or more fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return the said assessments, in like manner as by this Act is appointed in any parish, tything or place; and also to appoint two or more collectors, who are hereby required to collect and pay the same in manner appointed by this Act for the collecting and paying all the aforesaid sums of money chargeable by this Act.

No commissioner, &c. liable to any other penalties than such as are inflicted by this Act.

XLVIII. PROVIDED always, and be it further enacted by the authority aforesaid, that no commissioner, assessor or collector, who shall be employed in the execution of this Act in England, Wales or Berwick upon Tweed, shall be liable for or by reason of such execution to any penalty or penalties, other than such as by this Act are or may be inflicted for or by reason of such execution.

Commissioners not to act without taking the oaths appointed by

Acts 1 Geo. 1. stat. 2 [c. 13.] and 6 Geo. 3. c. 53., and an oath as to their qualifications.

XLIX. PROVIDED always, and be it enacted, that no person shall be capable in England, Wales or Berwick upon Tweed, of acting as a commissioner in the execution of this Act, or executing any of the powers therein contained (unless it be the power hereby given of administering oaths), until such time as he shall have taken the oaths appointed by two Acts of Parliament, one made in the first year of the reign of his late Majesty King George the First, . . . . . and the other made in the sixth year of the reign of his present Majesty [Rep., 34 & 35 Vict. c. 48.] . . . . . ; and likewise, if required, an oath specifying in writing the parish, situation, quantity of land, whether freehold or copyhold, of the premises which entitle him to act as a commissioner in the execution of this Act; which said oaths it shall and may be lawful for any two or more of the commissioners to administer, and they are hereby required to administer the same to any other of the said commissioners.

Commissioners acting before oaths taken forfeit 200l.

L. PROVIDED always, and be it enacted, that if any person hereby appointed a commissioner for any county, city, town or place in England, Wales or Berwick upon Tweed, shall presume to act as a commissioner in the execution

of this Act before he shall have taken the oaths which by this Act he is required to take, and in manner hereby prescribed, he shall forfeit to his Majesty the sum of two hundred pounds.

\* \* \* \* \*

LIII. PROVIDED that . . . . . every person who shall be rated and assessed for or in respect of any manors, messuages, lands or tenements or other the premises, according to the former clauses of this Act, shall be rated and assessed in the places where such manors, messuages, lands and tenements and other the premises respectively do lie, and not elsewhere.

Lands, &c.  
to be assessed  
where they  
shall be.

\* \* \* \* \*

LVII. AND be it enacted by the authority aforesaid, that all and every person and persons having any share or shares or interest in any fresh stream or running water brought to the north parts of London, commonly called the New River, or in the Thames Waterworks, or in Marybone or in Hampstead Waterworks, or in any office or stock for insuring of houses in case of fire, or in any lights, or in the stock or stocks for printing of books in or belonging to the house commonly called The King's Printing House, shall pay for the same the sum of four shillings for every twenty shillings of the full yearly value thereof, towards the said sum hereby charged upon England, Wales and Berwick upon Tweed; and they and all companies of merchants in London, and the Bank of England, and all salaries and pensions (taxable in London) arising and payable at the General Post Office and Excise Office charged by this Act [Virt. rep.], shall be assessed by the commissioners nominated and appointed for the said city, or any two or more of them, for their respective shares and interests aforesaid, and the aforesaid joint stock or stocks, and for such salaries and pensions; and the same shall be paid by the governors or the respective treasurers or receivers of the said river-waters and waterworks, and of the said offices and stocks respectively, to such person or persons as the said commissioners, or any two or more of them, shall appoint to collect the same, and be deducted at and out of their next dividend; . . . . .

Shares in the  
New River,  
Thames  
Waterworks,  
&c.,

in fire in-  
surance offices,  
or lights, or  
the King's  
Printing House,  
to pay 4s. per  
pound;

which assess-  
ments, and  
those on all  
companies of  
merchants, the  
Bank of Eng-  
land, &c.,

to be paid by  
the governors  
or treasurers.

LVIII. PROVIDED always, and it is hereby further enacted by the authority aforesaid, that when and so often as any of the said governors, treasurers or receivers of the said river-waters, water-works, offices or stocks respectively shall, upon demand to any of them respectively made by the proper collector or collectors, refuse or neglect to pay the respective sum or sums of money, whereat all and every the said person and persons having any share or shares or interest in any of the said river-waters, water-works, offices or stocks respectively shall be respectively rated and assessed, then and in all and every such case and cases it shall and may be lawful to and for the said collector or collectors or any of them, and he, they and every of them is and are hereby authorised and required, to levy the sum so assessed by distress and sale of the goods and chattels jointly belonging to or held in trust for the persons who shall have such shares or interests in respect whereof such assessments shall be demanded and refused as aforesaid, rendering the overplus, if any shall be (the charges of such distress and sale being first deducted), to the governor, treasurer or receiver of the said river-waters, waterworks, offices or stocks respectively.

If governors,  
&c. of the river-  
waters and  
water-works  
refuse to pay,

the collectors  
empowered to  
levy the sum  
by distress and  
sale.

\* \* \* \* \*

Waterworks in Southwark to be assessed in Surrey.

**LXX. PROVIDED** always, and be it further enacted by the authority aforesaid, that all the waterworks in the borough of Southwark shall be rated and assessed in the said borough of Southwark, and not elsewhere, by the commissioners and assessors of the county of Surrey, and not by the commissioners and assessors of the city of London; and that the said waterworks be assessed according to the clear yearly profits thereof, any thing herein contained to the contrary notwithstanding.

Waterworks in Westminster to be assessed there.

**LXXI. PROVIDED** always, and be it enacted, that the waterworks in the city and liberty of Westminster shall be rated and assessed by the commissioners and assessors of the city and liberty of Westminster, and not by the commissioners and assessors of the city of London, any thing herein contained to the contrary notwithstanding.

\* \* \* \* \*

Collectors of the profits of the waterworks at Colchester chargeable.

**LXXIV. AND** be it enacted and declared by the authority aforesaid, that the respective persons who have received or collected or shall receive or collect the yearly profits of the waterworks within the town of Colchester in the county of Essex for the time being, shall be and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits respectively by this Act, to be levied in such manner as other aids and assessments in and by this Act are directed; and the respective persons so charged as aforesaid, and paying the same, shall be allowed the same on their respective accounts by their respective employers or proprietors for the time being, any thing herein contained to the contrary notwithstanding.

Collectors for the waterworks in New Windsor chargeable.

**LXXV. AND** be it further enacted by the authority aforesaid, that such person or persons as collect and receive the yearly profits of the waterworks within the borough of New Windsor, in the county of Berks, shall be and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits, to be levied in such manner as other aids and assessments in and by this Act are directed and appointed.

\* \* \* \* \*

That part of the parish of St. Andrew Holbourn, which lies in the county of Middlesex, not to be subdivided.

**LXXVII. PROVIDED** always, and it is hereby enacted, that the proportion which at the first general meeting of the commissioners for the county of Middlesex shall pursuant to this Act be laid upon that part of the parish of Saint Andrew Holbourn which is in the said county, shall be equally raised therein, without being subdivided into two proportions, or making any distinction between that part above the Bars and that part below the Bars: And that in the subdivision of commissioners to act for the several hundreds and divisions in the said county, a number of commissioners shall be appointed to act accordingly for all that part of the said parish of Saint Andrew which lies in the said county.

The parish of St. George Hanover Square to be charged with a quota distinct from the parish of St. Martin in the Fields. If debate arise concerning the quota, the commissioners who are inhabi-

**LXXVIII. PROVIDED** always, and it is hereby enacted, that the parish of Saint George Hanover Square, within the city and liberty of Westminster, shall in the execution of this Act be chargeable with a distinct sum or quota, separate from that of the parish of Saint Martin in the Fields: And if any controversy shall arise among the commissioners concerning the said quota, and the apportioning thereof out of the joint quota of the said two parishes, the commissioners who are inhabitants of or have any concern or interest in either of the said two parishes shall have no voice, but shall withdraw at the time of the debate of such controversy, until it be determined by the rest of



the commissioners ; and in default thereof the commissioners then present, who do not inhabit nor have any interest or concern in either of the said two parishes, shall have power and are hereby required to impose such fine or fines as by them shall be thought fit upon every such commissioner so refusing to withdraw, not exceeding twenty pounds, and to cause the same to be levied and paid as other fines to be imposed by virtue of this Act are to be levied and paid.

**LXXIX.** PROVIDED always, and it is hereby enacted by the authority aforesaid, that the parishes of Saint John, Saint Peter and Berchington in the Isle of Thanet, within the liberty of Dover, shall be deemed and taken to be a distinct division within the said liberty, and in execution of this Act shall be charged towards making up the whole sum charged on the town of Dover and the liberty thereof, according to the proportion which was assessed on the said parishes by virtue of an Act of Parliament passed in the fourth year of the reign of their late Majesties King William and Queen Mary (intituled An Act for granting to their Majesties an aid of four shillings in the pound for carrying on a vigorous war against France), and not otherwise: And all commissioners, collectors, head collectors and receivers are hereby required and enjoined to apply themselves with all diligence to the most speedy and effectual execution of their several and respective duties, and to use their utmost endeavours that all estates and other things herein charged may fully and duly pay the rates and assessments according to the directions of this Act, and so as his Majesty's service herein may not be delayed or hindered through any of their wilful neglect or default.

**LXXX.** PROVIDED that no poor person shall be charged with or liable to the pound-rate imposed by this Act upon lands, tenements or hereditaments in England, Wales or Berwick upon Tweed, whose lands, tenements or hereditaments are not of the full yearly value of twenty shillings in the whole.

\* \* \* \* \*

**LXXXIII.** PROVIDED also, and be it enacted, that no stay or prosecution upon any command, warrant, motion, order or direction, by non vult ulterius prosequi, shall be had, made, admitted, received or allowed by any court whatsoever, in any suit or proceeding by action of debt, bill, plaint or information, or otherwise, for the recovery of all or any of the pains, penalties or forfeitures upon any person by this Act inflicted or therein mentioned, or for or in order to the conviction or disability of any person offending against this Act in England, Wales or Berwick upon Tweed.

**LXXXIV.** PROVIDED always, that if any person or persons who shall be charged or assessed by this Act to or with a pound-rate upon his, her or their manors, lands, tenements, hereditaments or other the premises, shall, upon complaint made to the commissioners in such manner and at such times as are herein directed in cases of appeals, make it appear to the said commissioners, or any three or more of them then present for hearing and determining such appeals, by proof upon oath, that such assessment doth exceed the equal pound-rate that ought to be charged on him, her or them, in such case, upon every such proof and due examination thereof, the said commissioners, or the major part of them then present as aforesaid, are hereby empowered to abate and lessen the said assessments, so much as the same shall exceed the equal

tants of either parish to withdraw, or to be fined a sum not exceeding 20*l*.

The parishes of St. John, St. Peter and Berchington to be charged in Dover liberty according to the assessment by 4 Will. & Mar. c. 1.

Commissioners &c. to use their utmost diligence.

Lands not worth 20*l*. per ann. not chargeable.

No noli prosequi, &c. in any suit for offences against this Act.

Commissioners to abate the assessments where lands are over-charged,

and to re-assess the amount abated on the hundred, &c. generally;

or raise it on persons undercharged.

pound-rate that ought to be charged on him, her or them, and shall cause the money so abated to be reassessed, surcharged and levied in such manner as they or the major part of them in their judgements and discretions shall think most equal, just and reasonable, within the whole hundred, lathe, wapentake or other division where such overcharge or overcharges do happen, although the pound-rate of four shillings in the pound be thereby exceeded; or if any particular part or parts of the same, or any person therein, shall appear to them to be undercharged, then the money so abated shall and may be raised upon such particular part or persons so undercharged, so that the whole sum payable to his Majesty for such hundred, lathe, wapentake or other division shall be fully and duly answered and paid, without being diminished by reason of such particular abatement, any thing herein contained to the contrary notwithstanding.

\* \* \* \* \*

Commissioners for the county at large may act for any city, &c.

LXXXVI. PROVIDED nevertheless, that in case there shall not be a sufficient number of commissioners for any city, borough, cinque port, town or place in England, Wales or Berwick upon Tweed (for which by this Act commissioners are particularly appointed), capable of acting according to the qualifications required by this Act, to put this Act in execution, that in every such case any of the said commissioners appointed for the county at large within which such city, borough, town, cinque port or place doth stand or which is next adjoining thereto, may act as commissioners in the execution of this Act within such city, borough, town, cinque port or place.

Mayors, bailiffs, &c. may act as commissioners for the towns wherein they inhabit.

LXXXVII. AND whereas some doubts may arise whether mayors, bailiffs or other chief magistrates of cities, boroughs, towns corporate or cinque ports, for which commissioners are specially appointed by virtue of this Act, can act as commissioners for executing this Act in the said cities, boroughs, towns corporate and cinque ports: Be it further enacted by the authority aforesaid, that all mayors, bailiffs and other chief magistrates, who are appointed commissioners for executing this Act, shall and have power to act as commissioners for executing this Act within and for any city, borough, town corporate or cinque port wherein they inhabit at the time of executing this Act, as well where commissioners are specially appointed by this Act as where they are not.

\* \* \* \* \*

First meeting for the west riding of Yorkshire at Pontefract; for the north riding at Thirsk; for the east riding at Beverley.

LXXXIX. PROVIDED also, and be it enacted by the authority aforesaid, that the first general meeting of the commissioners for the west riding of the county of York shall be held at the town of Pontefract; and the first general meeting of the commissioners for the north riding of the county of York shall be held at the town of Thirsk; and the first general meeting of the commissioners for the east riding of the county of York shall be held at the town of Beverley; any thing in this Act before mentioned or any former custom to the contrary notwithstanding.

No commissioner capable to act in any county at large unless rated at 100*l.* per annum in lands (Merioneth,

XC. PROVIDED also, and be it enacted by the authority aforesaid, that no person shall be capable of acting as a commissioner in the execution of this Act, or any of the powers therein contained, in or for any county at large within England, the dominion of Wales (the counties of Merioneth, Cardigan, Carmarthen, Glamorgan, Montgomery, Pembroke, Radnor and Monmouth excepted), or in or for any of the ridings of the county of York, unless such person be seised or possessed in the same county or riding of lands, tenements or hereditaments of the value of one hundred pounds per

annum or more of his own estate, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances and other reservations payable out of or in respect of such leasehold estates, which were taxed and did pay by virtue of an Act passed in the thirty-seventh year of his Majesty's reign (intituled An Act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and ninety-seven). [Rep., 38 Geo. 3. c. 48. s. 2.]

XCI. PROVIDED nevertheless, that any person appointed a commissioner in and for the county of Anglesea or Carnarvon shall be capable of acting as a commissioner in the execution of this Act in or for the same counties or either of them, being himself, or his tenants or trustees, taxed for the value of sixty pounds per annum or more of his own estate, by virtue of the said Act of the thirty-seventh year of his Majesty's reign.

Cardigan, &c. excepted).

Commissioners for Anglesea, &c. to act if taxed at 60*l.* per annum.

XCII. PROVIDED nevertheless, and it is also hereby enacted, that no person who is hereby appointed to be a commissioner for executing this Act in any part of England, Wales or Berwick upon Tweed, shall be disabled from acting as a commissioner within or for any city, borough, cinque port or town corporate only, for which he is particularly nominated and appointed a commissioner, and whereof he shall be an inhabitant at the time of the execution of this Act, nor from acting as a commissioner within any of the inns of court or inns of Chancery or liberty of the Rolls; and that no attorney or solicitor or person practising as such who shall not be seised or possessed of lands, tenements or hereditaments, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances and other reservations payable out of or in respect of such leasehold estates, of the value of one hundred pounds per annum or more of his own estate, in the same county or riding, city, borough, town corporate, cinque port or place for which he shall be named a commissioner, or within the county at large within which such city, borough, town corporate, cinque port or place for which he shall be named a commissioner doth stand or which is next adjoining thereto, and which were taxed or did pay by virtue of an Act made and passed in the thirty-seventh year of his Majesty's reign (intituled An Act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and ninety-seven), or any receiver-general or any collector of any aid granted to his Majesty, shall be capable of acting as a commissioner in the execution of this present Act in England, Wales or Berwick upon Tweed, any thing herein contained to the contrary notwithstanding.

Commissioners hereby appointed may act for any city, &c. being inhabitants, or for inns of court, &c.

Disqualification to be commissioners, of attorneys, &c. not possessing lands of the value of 100*l.* per ann.,

and of receivers-general, &c.

XCIII. PROVIDED also, and be it enacted by the authority aforesaid, that no person shall be capable of acting as a commissioner in the execution of this Act or any of the powers herein contained within the city of London and liberty of Saint Martin le Grand, unless such person be seised and possessed of lands, tenements or hereditaments, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances and other reservations payable out of or in respect of such leasehold estates, which were taxed or did pay in the said city or liberty for the value of twenty pounds per annum or more, of his own estate, or unless such person was taxed and did pay in the said city or liberty for the value of one hundred and fifty pounds personal estate or more, by virtue of an Act made and passed in the thirty-seventh year of his Majesty's reign (intituled An Act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and ninety-seven).

No person to act as commissioner for the city of London or liberty of St. Martin le Grand unless rated at 20*l.* per ann. in lands of his own estate, &c.

No person to act as commissioner for the city, &c. of Westminster unless rated at 50*l.* per ann. in lands of his own estate.

XCIV. PROVIDED also, and be it enacted by the authority aforesaid, that no person shall be capable of acting as a commissioner in the execution of this Act or any of the powers herein contained within the city and liberty of Westminster, unless such person be seised and possessed of lands, tenements or hereditaments, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances or other reservations payable out of or in respect of such leasehold estates, which were taxed or did pay in the said city or liberty for the value of fifty pounds per annum or more, of his own estate, by virtue of an Act made and passed in the thirty-sixth year of his Majesty's reign (intituled An Act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and ninety-six).

Qualification required of the master of the household, &c.

XCV. AND whereas doubts have arisen as to the qualification by law required of the master of his Majesty's household, the first clerk of the household, the clerk of the kitchen, and several officers who by virtue of their offices have heretofore acted or may hereafter act as commissioners for putting into execution so much of several Acts of Parliament for granting an aid to his Majesty by a land tax as relates to the assessment on the palaces of Whitehall and Saint James: Be it enacted, that no other qualification shall be required of any such officers, who shall act as commissioners by virtue of their offices or places, than the possession of such respective offices or places; and that no such officer shall be subject or liable to any penalty inflicted by any such Acts for having heretofore acted without being possessed of any other qualifications which might have been required by any such Acts respectively than such office or place.

Persons disabled, presuming to act, to forfeit 50*l.*

XCVI. AND it is hereby further enacted, that if any person intended by this Act to be disabled for any the causes aforesaid shall nevertheless presume to act as a commissioner in the execution of this Act or any the powers therein contained, every such person for every such offence shall forfeit the sum of fifty pounds to any person or persons who will inform or sue for the same, to be recovered in any of his Majesty's courts of record by action of debt or on the case, bill, suit or information, wherein no essoin, protection, wager of law or more than one imparlance shall be allowed.

Collectors of the new waterworks in Exon chargeable.

XCVII. AND be it enacted by the authority aforesaid, that the respective persons who have received or collected or shall receive or collect the yearly profits of the new waterworks within the city and county of Exon for the time being, shall be and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits respectively by this Act, to be levied in such manner as other aids and assessments in and by this Act are directed; and the respective persons so charged as aforesaid, and paying the same, shall be allowed the same on their respective accounts by their respective employers or proprietors for the time being, any thing herein contained to the contrary notwithstanding.

\* \* \* \* \*

Receivers-general to give notice of failures in payment of the taxes.

CV. PROVIDED always, and it is hereby enacted, that in case there hath been or shall be any failure of raising or paying the several sums of money charged upon any county, city, riding or place, by this or any former Acts for granting an aid to his late Majesty King William the Third, or her late Majesty Queen Anne, or his late Majesty King George the First, or his late Majesty King

George the Second, or his present Majesty, by a land tax, the receiver-general of such county, city, riding, division or place respectively of such tax or assessment, or the receiver-general to be appointed in pursuance of this Act of the same county, riding, division, city or place, shall certify under his hand to the barons of the Court of Exchequer the particular city, town, parish or place where such failure of payment hath happened, together with the names of the assessors and collectors and the several other persons belonging to the said city, town, parish or place charged with the said tax; which said city, town, parish or place, or any person or persons charged with the said tax within such city, town, parish or place, shall be liable to process for such neglect in raising and paying the same, according to the directions of the said Act.

CVI. PROVIDED always, that the commissioners appointed for the county of the city of Lincoln may act as commissioners in the execution of this Act or any the powers therein contained within the bail and close of Lincoln, any thing in this Act to the contrary notwithstanding.

Commissioners for the city of Lincoln to act in Lincoln Close;

CVII. PROVIDED always, that the commissioners for the county of Lincoln may act as commissioners in the execution of this Act or any the powers therein contained within the parish of Saint Martin Stamford Baron, in the county of Northampton, as usually, any thing in this Act contained to the contrary notwithstanding.

and for the county of Lincoln in St. Martin Stamford Baron.

\* \* \* \* \*

CX. AND it is hereby enacted by the authority aforesaid, that at every time and place appointed by the commissioners for the collectors to pay in the monies by virtue of this Act to be paid to the receiver-general or his deputy for any county, city, riding, town or place in England, Wales or Berwick upon Tweed, the said receiver-general, or his deputy, under his hand, shall deliver a list or certificate, fairly written, to such person as the said commissioners or any three or more of them shall, under their hands, authorize and appoint to attend then and there for that purpose, containing the several and respective sums of money then and there or before that time paid by the respective collectors for each town or place in that hundred or division: And in case there shall be any refusal or neglect in delivering such list or certificate as aforesaid, such receiver-general or his deputy so refusing or neglecting shall forfeit any sum of money not exceeding twenty pounds, to be imposed by any three or more of the said commissioners, and to be ordered, levied and answered into the receipt of his Majesty's Exchequer in such manner as by this Act is directed touching the fines imposed on assessors and collectors as aforesaid.

Receiver-general to give a list of moneys received by him at the time and place appointed;

and to forfeit on default any sum not exceeding 20*l*.

CXI. [A]ND be it enacted and declared by the authority aforesaid, that where any person or persons who in pursuance of any former Act for granting an aid to her late Majesty Queen Anne, or his late Majesty King George the First, or his late Majesty King George the Second, or his present Majesty, by a land tax, have seized or distrained, or in pursuance of this Act shall seize or distrain, the goods or chattels of any collector, his heirs, executors or administrators, on nonpayment of any sum or sums of money which such collector, his heirs, executors or administrators, was or shall be obliged to pay by virtue

Where goods, &c. of collectors are distrained, so much money, as any two commissioners judge reasonable, may be retained for costs of distress.

[\* Virt. rep., so far as relates to distresses in pursuance of any former Act.]

of this or any former Act, it shall and may be lawful to and for such person or persons making such distress, out of the money arising by the sale of such goods and chattels (such sum and sums of money, for which distress shall or may be made, being first thereout satisfied and paid), to keep in his or their hands, to and for his and their own use, so much money as the commissioners or any two or more of them (who ordered or shall order such distress) shall in their discretion judge reasonable for making such distress, as also for the charges in keeping thereof or otherwise relating thereto, rendering the overplus (if any be) to the owner.

\* \* \* \* \*

Waterworks  
in Shrewsbury  
chargeable.

CXIV. AND be it enacted by the authority aforesaid, that the respective persons who have received or collected or shall receive or collect the yearly profits of the waterworks within the town of Shrewsbury, shall be and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits by this Act, to be levied in such manner as other aids and assessments in and by this Act are directed; and the respective persons so charged as aforesaid, and paying the same, shall be allowed the same in their accounts by the proprietors thereof for the time being, any thing herein contained to the contrary notwithstanding.

\* \* \* \* \*

Assessments on  
the town of  
Cambridge to  
be raised on  
manors, &c.  
and on fishings,  
&c. on the  
river Cam.

CXXIV. PROVIDED always, and be it further enacted by the authority aforesaid, that the sum appointed by this Act to be raised by the town of Cambridge shall be raised and levied by rating all manors, messuages, lands and tenements, woods, underwoods, coppices, fishings, locks, wears and sluices upon the river Cam alias Grant, tithes, tolls, markets, fairs, booths, stalls and standings in such fairs and markets, and the rents and profits of the same, and all other hereditaments, of what nature or kind soever they be, situate, lying and being, happening or arising in the said town, or within the bounds, limits and precincts thereof; . . . . .

On whom, and  
when, yearly  
assessments on  
fairs, &c. may  
be collected.

CXXV. AND whereas fairs are usually held for some short time in the year only, by means whereof it may be impossible to levy the proportions to be assessed by virtue of this Act on the fairs to be held within the said town or limits thereof by such quarterly payments as by this Act is directed to be done in other cases: Be it further enacted by the authority aforesaid, that the collectors to be appointed by virtue of this Act for levying and collecting the said rates and taxes shall demand the entire sum which shall be assessed for the whole year on such fairs, and the booths, stalls and standings in the same, from the parties themselves who shall set to sale any goods or merchandizes in the said fairs, booths, stalls or standings, or otherwise occupy the same, if they can be found, or else upon the premises charged with such assessments, at any time within seven days after the first proclaiming of such fair or fairs; and in default of payment thereof shall levy the sum assessed by distress and sale of all the goods and chattels that shall be found in the said booths, stalls or standings, in such manner as is herein directed to be done in other cases.

Distress on  
default of  
payment, how  
to be levied.

Tenants of  
booths, &c.  
to pay the  
rates, and  
deduct them  
out of their  
rents.

CXXVI. AND it is hereby enacted and declared, that the said collectors shall have all such powers of making such distress as is hereby given to collectors in other cases; and the several and respective tenants of all such booths, stalls and standings, which shall be rated by virtue of this Act, are hereby

required and authorized to pay such sum or sums of money as shall be rated thereon, and to deduct the same out of the rent payable for such booths to their respective landlords.

\* \* \* \* \*

CXXVIII. AND be it further enacted by the authority aforesaid, that the sum of forty-seven thousand nine hundred fifty-four pounds one shilling and two-pence by this Act granted shall be raised and levied in that part of Great Britain called Scotland, by an eight months cess of five thousand nine hundred ninety-four pounds five shillings and one penny three farthings of lawful money of Great Britain for every month ; the said cess to be raised out of the land rent of Scotland, according to the monthly proportions, within the respective shires, stewartries, cities and boroughs herein-after expressed ; (that is to say,)

47,954*l.* 1*s.*  
2*d.* to be raised  
in Scotland  
by an eight  
months cess  
of 5,994*l.* 5*s.*  
1*½d.* per  
month ;

WITHIN the sheriffdom of Edinburgh, the monthly sum of two hundred sixty-four pounds thirteen shillings and three-pence of lawful money of Great Britain.

Within the sheriffdom of Haddington, the monthly sum of two hundred thirty-one pounds six shillings and three-pence three farthings of like money.

Within the sheriffdom of Berwick, the monthly sum of two hundred thirty-three pounds seventeen shillings and five-pence halfpenny of like money.

Within the sheriffdom of Roxburgh, the monthly sum of three hundred and six pounds ten shillings and five-pence farthing of like money.

Within the sheriffdom of Selkirk, the monthly sum of seventy-five pounds three shillings and ten-pence farthing of like money.

Within the sheriffdom of Peebles, the monthly sum of eighty-six pounds thirteen shillings and two-pence three farthings of like money.

Within the sheriffdom of Lanerk, the monthly sum of two hundred fifty-seven pounds and seven-pence halfpenny of like money.

Within the sheriffdom of Dumfries, the monthly sum of two hundred twenty-five pounds ten shillings and nine-pence farthing of like money.

Within the sheriffdom of Wigtown, the monthly sum of eighty-three pounds ten shillings and seven-pence three farthings of like money.

Within the stewartry of Kircudbright, the monthly sum of one hundred thirty-nine pounds four shillings and three-pence halfpenny of like money.

Within the sheriffdom of Air, the monthly sum of three hundred twenty-one pounds fifteen shillings and four-pence three farthings of like money.

Within the sheriffdom of Dumbarton, the monthly sum of sixty-three pounds eleven shillings and one penny three farthings of like money.

Within the sheriffdom of Bute, the monthly sum of twenty-five pounds ten shillings and ten-pence farthing of like money.

Within the sheriffdom of Renfrew, the monthly sum of one hundred and twelve pounds ten shillings and two-pence halfpenny of like money.

Within the sheriffdom of Striveling, the monthly sum of one hundred forty-five pounds sixteen shillings and eleven-pence halfpenny of like money.

Within the sheriffdom of Linlithgow, the monthly sum of ninety-seven pounds five shillings and two-pence three farthings of like money.

Within the sheriffdom of Perth, the monthly sum of four hundred eighteen pounds eighteen shillings and two-pence halfpenny of like money.

Within the sheriffdom of Kincardine, the monthly sum of eighty-one pounds sixteen shillings and one penny three farthings of like money.

Within the sheriffdom of Aberdeen, the monthly sum of three hundred thirty-nine pounds and eight shillings of like money.

Within the sheriffdom of Inverness, the monthly sum of one hundred pounds sixteen shillings and eleven-pence halfpenny of like money.

Within the sheriffdom of Ross, the monthly sum of one hundred fourteen pounds eleven shillings and one penny three farthings of like money.

Within the sheriffdom of Nairn, the monthly sum of twenty-three pounds one shilling and ten-pence halfpenny of like money.

Within the sheriffdom of Cromarty, the monthly sum of five pounds thirteen shillings and five-pence three farthings of like money.

Within the sheriffdom of Argyll, the monthly sum of one hundred sixty-one pounds eighteen shillings and five-pence of like money.

Within the sheriffdom of Fife and Kinross, the monthly sum of four hundred thirty pounds and one penny halfpenny of like money.

Within the sheriffdom of Forfar, the monthly sum of two hundred seventy-two pounds three shillings and seven-pence three farthings of like money.

Within the sheriffdom of Bamff, the monthly sum of ninety-five pounds twelve shillings and seven-pence of like money.

Within the sheriffdom of Sutherland, the monthly sum of twenty-seven pounds eighteen shillings and eight-pence halfpenny of like money.

Within the sheriffdom of Caithness, the monthly sum of forty-nine pounds sixteen shillings and five-pence farthing of like money.

Within the sheriffdom of Elgin, the monthly sum of eighty-eight pounds one shilling and three-pence of like money.

Within the sheriffdom of Orkney and Zetland, the monthly sum of ninety pounds nine shillings and eleven-pence three farthings of like money.

Within the sheriffdom of Clackmannan, the monthly sum of twenty-nine pounds five shillings and eleven pence farthing of like money.

Within the city of Edinburgh, the monthly sum of three hundred thirty-two pounds eleven shillings and three-pence of like money.

Within the burgh of Perth, the monthly sum of thirty-eight pounds eight shillings and three-pence of like money.

Within the burgh of Dundee, the monthly sum of sixty pounds seventeen shillings and two-pence of like money.

Within the burgh of Aberdeen, the monthly sum of sixty-six pounds sixteen shillings and eleven-pence of like money.

Within the burgh of Striveling, the monthly sum of seventeen pounds nineteen shillings and one penny three farthings of like money.

Within the burgh of Linlithgow, the monthly sum of sixteen pounds nineteen shillings and two-pence halfpenny of like money.

Within the city of Saint Andrew, the monthly sum of fourteen pounds and sixteen shillings of like money.

Within the city of Glasgow, the monthly sum of one hundred nineteen pounds and fifteen shillings of like money.

Within the burgh of Air, the monthly sum of seventeen pounds five shillings and nine-pence three farthings of like money.



Within the burgh of Haddington, the monthly sum of seventeen pounds nineteen shillings and one penny three farthings of like money.

Within the burgh of Dysart, the monthly sum of seven pounds nineteen shillings and seven-pence halfpenny of like money.

Within the burgh of Kirkaldie, the monthly sum of twenty-two pounds eighteen shillings and eleven-pence farthing of like money.

Within the burgh of Montrose, the monthly sum of eighteen pounds nineteen shillings and one penny farthing of like money.

Within the burgh of Cowper, the monthly sum of nine pounds nineteen shillings and sixpence halfpenny of like money.

Within the burgh of Anstruther Easter, the monthly sum of one pound nineteen shillings and ten-pence three farthings of like money.

Within the burgh of Dumfries, the monthly sum of sixteen pounds twelve shillings and sixpence three farthings of like money.

Within the burgh of Inverness, the monthly sum of seventeen pounds nineteen shillings and one penny three farthings of like money.

Within the burgh of Brunt Island, the monthly sum of nineteen pounds fifteen shillings and eight-pence three farthings of like money.

Within the burgh of Innerkeithing, the monthly sum of three pounds nineteen shillings and nine-pence halfpenny of like money.

Within the burgh of Kinghorn, the monthly sum of four pounds nine shillings and nine-pence halfpenny of like money.

Within the burgh of Brechin, the monthly sum of five pounds seven shillings and nine-pence of like money.

Within the burgh of Irwin, the monthly sum of eight pounds nineteen shillings and seven-pence of like money.

Within the burgh of Jedburgh, the monthly sum of eight pounds nineteen shillings and seven-pence of like money.

Within the burgh of Kircudbright, the monthly sum of seven pounds nineteen shillings and seven-pence halfpenny of like money.

Within the burgh of Wigtown, the monthly sum of six pounds nineteen shillings and eight-pence of like money.

Within the burgh of Pattenweem, the monthly sum of six pounds thirteen shillings and one farthing of like money.

Within the burgh of Dumfermling, the monthly sum of seven pounds nineteen shillings and seven-pence halfpenny of like money.

Within the burgh of Anstruther Wester, the monthly sum of two pounds nine shillings and ten-pence of like money.

Within the burgh of Selkirk, the monthly sum of six pounds thirteen shillings and one farthing of like money.

Within the burgh of Dumbarton, the monthly sum of four pounds nineteen shillings and sixpence halfpenny of like money.

Within the burgh of Renfrew, the monthly sum of three pounds nineteen shillings and nine-pence halfpenny of like money.

Within the burgh of Dunbar, the monthly sum of five pounds nineteen shillings and eight-pence farthing of like money.

Within the burgh of Lanerk, the monthly sum of five pounds nineteen shillings and eight-pence farthing of like money.

Within the burgh of Aberbrothock, the monthly sum of four pounds nine shillings and nine-pence halfpenny of like money.

Within the burgh of Elgin, the monthly sum of nine pounds nineteen shillings and sixpence halfpenny of like money.

Within the burgh of Peebles, the monthly sum of five pounds nineteen shillings and eight-pence halfpenny of like money.

Within the burgh of Craile, the monthly sum of eight pounds nineteen shillings and seven-pence of like money.

Within the burgh of Tayne, the monthly sum of three pounds nine shillings and nine-pence three farthings of like money.

Within the burgh of Culross, the monthly sum of three pounds nineteen shillings and nine-pence halfpenny of like money.

Within the burgh of Bamff, the monthly sum of three pounds nineteen shillings and nine-pence half-penny of like money.

Within the burgh of Withorn, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Forfar, the monthly sum of one pound nineteen shillings and ten-pence three farthings of like money.

Within the burgh of Rothesay, the monthly sum of two pounds nineteen shillings and ten-pence of like money.

Within the burgh of Nairn, the monthly sum of one pound nine shillings and eleven-pence of like money.

Within the burgh of Forres, the monthly sum of two pounds nine shillings and ten-pence of like money.

Within the burgh of Rutherglen, the monthly sum of one pound nine shillings and eleven-pence of like money.

Within the burgh of North Berwick, the monthly sum of nine shillings and eleven-pence three farthings of like money.

Within the burgh of Cullen, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Lawder, the monthly sum of two pounds nineteen shillings and ten-pence of like money.

Within the burgh of Kintore, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Kilreny, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Annand, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Lochmaben, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Sanquhar, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of New Galloway, the monthly sum of nine shillings and eleven-pence three farthings of like money.

Within the burgh of Dingwall, the monthly sum of nineteen shillings and eleven-pence farthing of like money.

Within the burgh of Dornock, the monthly sum of one pound nine shillings and eleven-pence three farthings of like money.

Within the burgh of Queensferry, the monthly sum of four pounds nineteen shillings and nine-pence of like money.

Within the burgh of Fortrose, the monthly sum of two pounds nine shillings and ten-pence halfpenny of like money.

Within the burgh of Inverury, the monthly sum of one pound nine shillings and eleven-pence three farthings of like money.

Within the burgh of Weike, the monthly sum of one pound thirteen shillings and three-pence of like money.

Within the burgh of Innerbervy, the monthly sum of nine shillings and eleven-pence three farthings of like money.

Within the burgh of Kirkwall, the monthly sum of four pounds nineteen shillings and nine-pence of like money.

Within the burghs of Stranraer and Cambleton, the monthly sum of two pounds nine shillings and ten-pence halfpenny of like money.

CXXIX. PROVIDED always, that the proportion of the said boroughs in Scotland be rated and paid as their tax roll now is, or shall be settled by themselves, any thing in this Act contained to the contrary notwithstanding.

CXXX. AND it is hereby enacted, that the said new supply in Scotland is to be paid at the terms following ; (that is to say,) the sum of eleven thousand nine hundred eighty-eight pounds ten shillings and three-pence halfpenny of lawful money of Great Britain, for the first two months cess, shall be payable on or before the twenty-fourth day of June one thousand seven hundred and ninety-eight ; and the like sum of eleven thousand nine hundred eighty-eight pounds ten shillings and three-pence halfpenny of like money, as the second two months cess, on or before the twenty-ninth day of September one thousand seven hundred and ninety-eight ; and the like sum of eleven thousand nine hundred eighty-eight pounds ten shillings and three-pence halfpenny of like money, as the third two months cess, on or before the twenty-fifth day of December one thousand seven hundred and ninety-eight ; and the like sum of eleven thousand nine hundred eighty-eight pounds ten shillings and three-pence halfpenny of like money, as the remaining two months cess, on or before the twenty-fifth day of March one thousand seven hundred and ninety-nine.

to be rated as the tax roll now is, or shall be settled by themselves.  
The first two months cess to be paid by June 24, 1798 ;

second, by Sept. 29, 1798 ;

third, by Dec. 25, 1798 ;

and fourth, by March 25, 1799.

CXXXI. AND be it further enacted by the authority aforesaid, that all and every the person and persons who, in and by the said Act of Parliament made and passed in the thirty-seventh year of his Majesty's reign (intituled An Act for appointing commissioners for putting in execution an Act of this session of Parliament, intituled "An Act for granting an aid to his Majesty by a land tax to be raised in "Great Britain for the service of the year one thousand seven hundred and ninety-seven") were named, appointed or authorised to be commissioners for putting in execution the same Act within the several shires or stewartries in Scotland, or such of them who have qualified or shall qualify themselves according to the laws of Scotland in that behalf, shall, together with any other persons that may be appointed by any Act to be made in this session of Parliament ; which said commissioners shall put in execution this present Act, and the powers therein contained, within and for the same shires and stewartries respectively ; and [Virt. rep.] the said commissioners have hereby power to chuse their own clerk, and to do every thing concerning the said supply, as is prescribed and appointed by the Cess Act of the sixth of November one thousand seven hundred and six, and other Acts made in any former Parliament in Scotland, to which the said Act of the sixth of November one thousand seven hundred and six doth relate, holding the same as if herein repeated.

Commissioners for putting this Act in execution in Scotland.

Execution to be done as under the former Acts. First meeting of commissioners to be at the head burghs on 30th April 1798.

All clauses in former Acts relating to the bringing in the cess, &c. to be in full force.

No person in Scotland holden to produce his receipts after three years.

Debtor owing money in Scotland at 6 per cent. to retain a 6th part of 6 per cent. from 11 Nov. 1797 to 11 Nov. 1798.

47,954*l.* 1*s.* 2*d.* to be raised free of all charges, and to be paid at Edinburgh.

No person to be a commissioner of the land tax in Scotland who is not enfeoff, &c. of 100*l.* Scots

CXXXII. AND it is hereby further enacted, that execution shall be done in Scotland for bringing in the said supply to be raised there as is provided by the same Acts in all points not altered by this Act; and that the first meeting of the said commissioners of shires in Scotland shall be at the respective head burghs thereof, the thirtieth day of April one thousand seven hundred and ninety-eight, and that the sheriffs and stewards, or their deputies, do intimate the same to the said commissioners of their shires and stewartries, with power to the said commissioners to appoint the subsequent diets of their meetings, and their convenors, from time to time, as also to appoint collectors, with such caution as they shall think fit.

CXXXIII. AND be it further enacted by the authority aforesaid, that all clauses contained in former Acts of Parliament of Scotland, and convention of estates there, in relation to the bringing in of the cess and quartering and touching riding money, shall stand in full force as to the supply now imposed upon Scotland, as if they were herein expressed, and as they were observed before the making of this Act.

CXXXIV. AND it is hereby declared, that no person, whether heretor or collector, liable in payment of the said supply to be raised in Scotland, shall be holden to produce the receipts and discharges of the same after three years from the respective terms of payment, unless diligence be done therefore by denunciation within the said three years, in which case of diligence by denunciation one year further is only added to the said three years, and none shall be holden to produce their receipts or discharges thereafter.

CXXXV. AND because by the supply hereby granted to be raised in Scotland, the lands, rents and burghs there are only burthened; and it being reasonable that the personal estates in money shall bear some proportional burthen: Be it further enacted by the authority aforesaid, that every debtor owing money in Scotland at six pounds per centum interest shall, in the payment of his annual rents, have a retention in his own hands of a sixth part of six per centum; and this retention to be from the eleventh day of November one thousand seven hundred and ninety-seven to the eleventh day of November one thousand seven hundred and ninety-eight: And it is hereby declared, that it shall be usury for any creditor to refuse to grant the said retention there.

CXXXVI. AND it is hereby declared and enacted by the authority aforesaid, that the said sum of forty-seven thousand nine hundred fifty-four pounds one shilling and two-pence shall be raised in Scotland in the respective shires, stewartries, cities and boroughs, free of all charges to his Majesty, and shall in like manner be paid at the city of Edinburgh to such person or persons as the commissioners of the Treasury, or the high treasurer of Great Britain for the time being, shall constitute and appoint to be receiver-general or receivers thereof for his Majesty's use, which said receiver-general or receivers shall be answerable and accountable for the same to his Majesty in the Exchequer.

CXXXVII. PROVIDED nevertheless, that no person appointed by this Act to be a commissioner for executing the several powers and things herein enacted within any county or stewartry in that part of Great Britain called Scotland, shall be enabled or capable to be a commissioner of the land tax, or for executing the several powers and things herein enacted, who is not

enfeoff in superiority or property, or possessed as proprietor or life renter, of lands valued in the tax roll of the county or stewartry where he acts to the extent of one hundred pounds Scots per annum, excepting the eldest sons and heirs-apparent of persons who are so enfeoff of lands to the extent and of the valuation aforesaid; and that every person who shall take upon him to act as a commissioner for executing any of the purposes or things in this Act contained within any county or stewartry in Scotland, without being enfeoff in superiority or property or in the possession of lands in such county or stewartry of the aforesaid value or extent, or without being eldest son and heir-apparent of a person so enfeoff or in possession, shall forfeit the sum of twenty pounds sterling for every such acting, to be recovered by action, complaint or petition in a summary way at the suit of any heretor within the said county or stewartry, before the county or Stewart Court, or before the lords of session in Scotland; and that in case of any such suit or complaint entered before any of the courts aforesaid, the person complained of shall be obliged to prove that he is enfeoff or in possession, or is son and heir-apparent of a person so enfeoff or in possession, of an estate in superiority or property within the county where he hath taken upon him to act of the aforesaid value or extent, or otherwise shall forfeit the said penalty of twenty pounds sterling, without any proof or evidence to be brought on the plaintiff's part other than that the person complained of hath taken upon him to act as a commissioner for executing the several powers and things in this Act contained.

per ann. real  
rent in the  
county where  
he acts.  
Exception.

Penalty for  
acting without  
qualification.

Proof of  
qualification  
to lie on the  
defendant.

\* \* \* \* \*  
CXXXIX. PROVIDED nevertheless, that any provost, bailie, dean of guild, treasurer, master of the Merchants Company, or deacon convenor of the trades, for the time being, of any royal borough, and any bailie for the time being of any borough of regality or barony, herein named or appointed a commissioner for putting this Act in execution in any county or stewartry, or the factors for the time being on the several forfeited estates annexed to the crown by an Act passed in the twenty-fifth year of his late Majesty King George the Second, shall be capable of acting as a commissioner for such county or stewartry; and that it shall not be lawful for the Court of Session or any other courts or magistrates in Scotland to grant, by suspension or otherwise, any stay or stop to the bringing in of the said supply by quartering according to the proportions settled and ascertained by the aforesaid commissioners for the several shires, and by the royal burghs according to their usage and practice, any thing herein contained to the contrary notwithstanding.

Provost, &c.  
of any royal  
borough may  
act as a com-  
missioner.

Court of  
Session, &c.  
not to grant  
stay to bring-  
ing in of  
supply.

## CHAPTER XLVIII.

AN ACT to alter and amend so much of an Act passed in this present Session of Parliament, intituled "An Act for granting an Aid to his Majesty by  
" a Land Tax to be raised in Great Britain for the Service of the Year  
" One thousand seven hundred and ninety-eight," as relates to the Qualification of Commissioners.  
[26th May 1798.]

WHEREAS an Act was passed in this present session of Parliament, intituled "An Act for granting an aid to his Majesty by a land tax  
" to be raised in Great Britain for the service of the year one thousand seven  
" hundred and ninety-eight:" And whereas by the said Act it is enacted, that

Preamble.  
38 Geo. 3.  
c. 5.

No person to act as a commissioner of the land tax in cities, boroughs, &c. unless qualified as herein mentioned.

certain persons named and appointed or to be named and appointed commissioners in manner therein mentioned should put the said Act in execution as therein directed, but it is not thereby required that such of the commissioners as shall act within or for any city, borough, cinque port or town corporate (except as therein particularly provided), shall be qualified in any other manner than by being an inhabitant of such city, borough, cinque port or town corporate, by reason whereof improper persons sometimes act as commissioners: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person shall be capable of acting as a commissioner in the execution of the said recited Act within any city, borough, cinque port or town corporate (except the cities, liberties and places, the commissioners acting within which are respectively required to be qualified as in the said Act is particularly mentioned and directed), unless such person shall at the time of his acting be seised or possessed of lands, tenements or hereditaments of the value of forty pounds per annum or more of his own estate, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances and other reservations payable out of or in respect of such leasehold estates, or unless such person shall at the time of his acting as aforesaid be possessed of a personal estate to the amount of one thousand pounds, nor unless he shall in either case be an inhabitant of the city, borough, cinque port or town corporate, within which he shall act as a commissioner, nor (except in administering the oath or affirmation herein-after mentioned) until he shall have taken and subscribed an oath or affirmation in the words or to the effect following; videlicet,

Oath;

' I A.B. do swear [or, being one of the people called Quakers, do solemnly affirm], that I truly and bona fide am possessed of, in my own right, and in the actual enjoyment or receipt of the rents and profits of lands, tenements or hereditaments, of the clear yearly value of forty pounds, or possessed of a personal estate to the amount of one thousand pounds.

' So help me GOD.'

which any commissioner may administer.

50l. penalty for acting not being qualified, or not having taken the oath.

Which oath it shall and may be lawful for any commissioner to administer to any other, any thing in the said first recited Act or any other Act contained to the contrary hereof in anywise notwithstanding; and if any person hereby required to be so qualified as aforesaid, and not being so qualified, or not having taken an oath or affirmation as herein-before directed, shall presume to act as a commissioner in the execution of the said recited Act, every such person so offending shall for every such offence forfeit and pay the sum of fifty pounds to and for the use of such person or persons who shall sue for the same, to be recovered, together with full costs of suit, by action of debt in any of his Majesty's courts of record at Westminster, over and above such other pains and punishments as he may be liable to by any law or statute of this realm for wilful and corrupt perjury; and in every such action brought against any such person so acting as a commissioner in the execution of the said recited Act without being qualified as aforesaid, the proof of qualification shall lie on the person against whom the said action shall be brought, and it shall be sufficient for the plaintiff to prove that the defendant hath acted as such commissioner.

Proof of qualification to lie on the defendant.

\* \* \* \* \*

III. AND be it enacted, that no person shall be capable of acting as a commissioner in the execution of the said Act, or any of the powers therein contained, in or for any county at large within England, the dominion of Wales (the counties of Merioneth, Cardigan, Carmarthen, Glamorgan, Montgomery, Pembroke, Radnor and Monmouth excepted), or in or for any of the ridings of the county of York, unless such person be seised or possessed of lands, tenements or hereditaments, of the value of one hundred pounds per annum or more of his own estate, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances, and other reservations payable out of or in respect of the same, or unless such person be heir apparent of some person who shall be seised or possessed of a like estate of the value of three hundred pounds per annum, one moiety of which said estate required as qualifications shall be situate within such respective county or riding for which such person is appointed a commissioner.

No person to act as a commissioner for any county in England or Wales (except certain counties), or for any riding in Yorkshire, unless qualified as herein mentioned.

IV. AND be it further enacted, that this Act shall be adjudged, deemed, and taken to be a publick Act, and be judicially taken notice of as such by all judges, justices and all other persons whomsoever, without the same being specially pleaded.

Publick Act.

## CHAPTER LII.

AN ACT to regulate the Trial of Causes, Indictments and other Proceedings, which arise within the Counties of certain Cities and Towns Corporate within this Kingdom.

[1st June 1798.]

WHEREAS there at present exists in the counties of cities and of towns corporate within this kingdom an exclusive right that all causes and offences which arise within their particular limits should be tried by a jury of persons residing within the limits of the county of such city or town corporate, which ancient privilege, intended for other and good purposes, has in many instances been found by experience not to conduce to the ends of justice: And whereas it will tend to the more effectual administration of justice in certain cases, if actions, indictments and other proceedings, the causes of which arise within the counties of cities and towns corporate, were tried in the next adjoining counties: In order therefore to remedy this mischief for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, in every action, whether the same be transitory or local, which shall be prosecuted or depending in any of his Majesty's courts of record at Westminster, and in every indictment removed into his Majesty's Court of King's Bench by writ of certiorari, and in every information filed by his Majesty's attorney or solicitor general or by the leave of the Court of King's Bench, and in all cases where any person or persons shall plead to or traverse any of the facts contained in the return to any writ of mandamus, if the venue in such action, indictment or information, be laid in the county of any city or town corporate within that part of Great Britain called England, or if such writ of mandamus be directed to any person or persons, body politick and corporate, that it shall and may be

Preamble.

In actions in any court of record at Westminster, &c., if the venue be laid in the county of any city or town corporate in England, &c., the court may direct the issue to be tried by a jury of the county next adjoining.

lawful for the court in which such action, indictment, information or other proceeding shall be depending, at the prayer and instance of any prosecutor or plaintiff, or of any defendant, to direct the issue or issues joined in such action, indictment, information or proceeding, to be tried by a jury of the county next adjoining to the county of such city or town corporate, and to award proper writs of venire and distringas accordingly, if the said court shall think it fit and proper so to do.

Bills of indictment for offences committed within the county of any city or town corporate may be preferred to the jury of the county next adjoining.

II. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any prosecutor or prosecutors to prefer his, her or their bill or bills of indictment, for any offence or offences committed or charged to be committed within the county of any city or town corporate, to the jury of the county next adjoining to the county of such city or town corporate, sworn and charged to enquire for the King for the body of such adjoining county, at any sessions of oyer and terminer or general gaol delivery; and that every such bill of indictment found to be a true bill by such jury shall be valid and effectual in law, as if the same had been found to be a true bill by any jury sworn and charged to enquire for the King for the body of the county of such city or town corporate.

Indictments found by a grand jury of any city or town corporate, or inquisitions taken before the coroner, may be ordered to be filed with the proper officer of the next adjoining county, and the defendants removed to the gaol thereof, &c.

III. AND be it further enacted by the authority aforesaid, that if it shall appear to any court of oyer and terminer or general gaol delivery for the county of any city or town corporate, that any indictment found by any grand jury of the county of such city or town corporate, or any inquisition taken before the coroner or coroners of the county of such city or town corporate, or other franchise, is fit and proper to be tried by a jury of any next adjoining county, that it shall and may be lawful for the said court of oyer and terminer or general gaol delivery, at the prayer of any defendant, to order such indictment or inquisition, and the several recognizances, examinations and depositions, relative to such indictments and inquisitions, to be filed with the proper officer, to be by him kept among the records of the courts of oyer or terminer and general gaol delivery for such next adjoining county, and to cause the defendant or defendants in such indictment to be removed by writ of habeas corpus to the gaol of such next adjoining county, which writ the said court is hereby directed and authorized to issue, if such defendant or defendants be in the prison of such city or town corporate, and if he, she or they be not in such prison, to commit such defendant or defendants to the gaol of such next adjoining county, and to cause the prosecutors and witnesses against such defendant or defendants to enter into a recognizance or recognizances to prosecute and give evidence against such defendant or defendants at the sessions of oyer and terminer and general gaol delivery for such next adjoining county; and that the same proceedings and trial shall be had and the same judgement shall be given in such last-mentioned court of oyer and terminer or general gaol delivery, as would and might be had and given in cases of indictments or inquisitions for the like offences committed within such next adjoining counties.

The judges of the Court of King's Bench, &c. may cause persons in custody for offences com-

IV. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any of the judges of his Majesty's Court of King's Bench, or any of the justices of oyer and terminer or general gaol delivery for such next adjoining or other county as aforesaid, on the application of any such prosecutor or prosecutors ten days next before the holding of any sessions of



oyer and terminer or general gaol delivery for such last-mentioned county, by proper writs of habeas corpus, which they are hereby empowered and authorized to issue, to cause any person or persons who may be in the custody of any sheriff or sheriffs, or of the keepers of any gaol or prison, charged with any offence or offences committed within the county of any such city or town corporate, to be removed into the custody of the sheriff of such next adjoining county, in order that he, she or they may for such offence or offences as aforesaid be tried in such last-mentioned county, and by order under the hand of any one of the said judges or justices of oyer and terminer and general gaol delivery to direct the coroner or coroners of the county of any such city or town corporate, or other franchise, to return to the next court of oyer and terminer or general gaol delivery to be holden for such next adjoining county any inquisition or inquisitions, examination or deposition, taken touching the death of any person or persons within the limits of his or their jurisdictions; and that whenever, in pursuance of this Act, any bill or bills of indictment shall be found by such grand jury as aforesaid against any person or persons for any offence or offences committed or charged to be committed within the county of any city or town corporate, that it shall and may be lawful for the said courts of oyer and terminer and general gaol delivery to issue process for apprehending the person or persons against whom such bill or bills of indictment shall be found, if not in custody, and to compel the attendance of witnesses upon the trial of such indictments, in like manner as in cases of indictments found in any such court of oyer and terminer or general gaol delivery, for offences committed within such adjoining counties.

mitted within the county of any city or town corporate to be removed into the custody of the sheriff of the next adjoining county, for trial; and direct coroners to return inquisitions, &c. to the court of oyer and terminer for that county;

which court may issue process for apprehending the persons, if not in custody.

V. AND be it enacted by the authority aforesaid, that every recognizance which, after the passing of this Act, shall be entered into for the prosecution of any person or persons for any offence or offences committed or charged to be committed within the county of any city or town corporate, or within any liberty or franchise, and every recognizance for the appearance as well of witnesses to give evidence upon any bill of indictment to be preferred, or any inquisition found for any such offence or offences as aforesaid, as for the appearance of any person or persons to answer our lord the King for or concerning the same, shall be forfeited, if the prosecutor shall, ten days previous to the holding of the next court of oyer and terminer or gaol delivery in the next adjoining or other county, give notice to the person bound in such recognizance to give evidence upon such bill of indictment, or to answer our said lord the King as aforesaid, of the intention to prefer such indictment, or to remove such inquisition, in or into the next adjoining or other county, and the party bound in such recognizance shall not appear, prosecute or give or be ready to give evidence at such court; but if the person bound in such recognizance, after notice as aforesaid, shall appear at such court of the next adjoining or other county, prosecute, give or be ready to give evidence on such indictment before the grand jury, and on the trial thereof, or on the trial of such inquisition, then the said recognizance shall be discharged in such and the like manner as if the person bound in such recognizance had complied with the terms thereof.

Recognizances entered into for prosecution of persons for offences committed within the county of any city or town corporate, &c. to be forfeited if the parties, on notice of intention to prefer indictments in the next adjoining county, do not appear, &c.

VI. PROVIDED also, that in case the person or persons who shall enter into such recognizance or recognizances as aforesaid cannot be found, and such notice as aforesaid be left at his, her or their last place of abode ten days

Notice left at the abode of recognisors who cannot be

found, to be effectual.

Recognizances not to be estreated until the next following sessions.

Persons before whom such recognizances shall be entered into, &c. to return them to the next court of oyer and terminer for the next adjoining county, upon notice of intention to prosecute at such sessions for any offence committed within the county of any city or town corporate. After such notice, bills shall not be preferred, &c. at any sessions for the county of the city or town corporate.

Justices of oyer and terminer for the county may order the expences of prosecution, &c. to be paid, as if the indictment had been tried in the court of the county of the city or town corporate.

York to be considered as next county to Kingston upon Hull, and Northumberland as next to Newcastle upon Tyne.

Act not to extend to certain places ;

previous to the holding such sessions as last aforesaid, the same shall be as good and effectual as if the same were left with the person or persons who shall enter into such recognizance or recognizances ; and that no such recognizance shall be estreated or returned into the Court of Exchequer until the next following sessions of oyer and terminer or general gaol delivery to be holden for such next adjoining county, in order that such recognizance or recognizances may be discharged, in case the person or persons who shall have entered into the same shall shew to such court of oyer and terminer or general gaol delivery sufficient cause for discharging the same.

VII. AND be it enacted by the authority aforesaid, that all and every person and persons before whom any such recognizance or recognizances as aforesaid shall be entered into, or by whom any examination or deposition shall be taken touching any such offence or offences as aforesaid, shall and they are hereby required to return the same to the next court of oyer and terminer and general gaol delivery for such next adjoining county as aforesaid, upon such prosecutor or prosecutors as aforesaid leaving at the dwelling house or other place of abode of the person or persons before whom such recognizance or recognizances shall be entered into, or by whom such examination or deposition shall be taken, ten days before the holding of any sessions of oyer and terminer or general gaol delivery for such next adjoining or other county as aforesaid, notice in writing of his, her or their intention to prosecute such indictment or inquisition at such last-mentioned sessions of oyer and terminer or general gaol delivery, for any offence or offences committed within the county of any city or town corporate ; and that after the delivery as aforesaid of any of the said notices it shall not be lawful for any person or persons to prefer any bill or bills of indictment, or to return any inquisition, for any offence or offences mentioned in the said recognizances, or any of them, at or to any sessions of oyer and terminer or general gaol delivery for the county of such city or town corporate.

VIII. AND be it further enacted by the authority aforesaid, that in all cases of indictments and other proceedings which may be tried before his Majesty's justices of oyer and terminer or general gaol delivery for any county, in pursuance of the provisions contained in this Act, it shall and may be lawful for such justices to order the expences of the prosecution, and of the witnesses, and of the several rewards payable in pursuance of the statutes in such cases made and provided on the conviction of offenders, to be paid by and to the same persons, and in the same manner, as the same would be payable if such indictment had been tried in the court of oyer and terminer or general gaol delivery of the county of such city or town corporate.

IX. AND be it further enacted by the authority aforesaid, that for the purposes of this Act the county of York shall be considered as the next adjoining county to the county of the town of Kingston upon Hull ; the county of Northumberland as the next adjoining county to the county of the town of Newcastle upon Tyne.

X. PROVIDED always, that nothing in this Act shall extend or be construed to extend to the cities of London and Westminster or the borough of Southwark, . . . . .

XI. PROVIDED also, that nothing in this Act shall extend or be construed to extend to take away any other rights or privileges which have been anciently granted to such corporations by royal charters or grants, and which have been immemorially held and enjoyed by such corporations; but that they shall continue in the full possession of all their other exclusive rights and privileges as much as if this Act of Parliament had never passed, and that they shall not be obliged to attend as jurymen upon the trial of any cause or any indictment which may be removed from the limited jurisdiction to the county at large, nor upon the trial of any other cause or any other indictment which may be tried before his Majesty's justices of assize, oyer and terminer, and general gaol delivery, in the next adjoining county.

nor to take away any other ancient privileges of corporations, who shall not be liable to attend as jurymen upon the trial of any cause in the county at large.

XII. PROVIDED always, and be it further enacted by the authority aforesaid, [that nothing in this Act contained shall extend or be construed to extend to enable any person to prefer any bill of indictment, for any offence committed or charged to be committed within the county of any city or town corporate, to the jury of such next adjoining county as aforesaid, or to remove any indictment or other criminal proceeding, except the person preferring such bill or applying for such removal shall enter into a recognizance before the court where such bill shall be preferred, or the court or magistrate to whom such application shall be made, as the case may be, in the sum of forty pounds, conditioned to pay the extra costs attending the prosecuting for such offence in such next adjoining county, provided the court before whom the trial is had shall be of opinion that he ought to pay the same.

Act not to authorize the preferring any bill of indictment, for an offence committed within the county of any city or town corporate, to the jury of the next adjoining county, unless recognizance be entered into to pay the extra costs.

## CHAPTER LX.

AN ACT for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax for One Year from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight. [21st June 1798.]

WHEREAS it may materially conduce to strengthening and supporting the publick credit, and to augmenting the national resources at this important conjuncture, that the duty now payable for one year on land should be made perpetual, but subject to redemption and purchase on transferring to the commissioners for the reduction of the national debt a certain proportion of capital stock in the manner herein-after stated: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the several and respective sums of money charged by virtue of an Act of the present session of Parliament, intituled "An Act for granting an aid to his Majesty by a land tax" to be raised in Great Britain for the service of the year one thousand "seven hundred and ninety-eight," on the respective counties, ridings, stewartries, cities, boroughs, cinque ports, towns and places in Great Britain, in respect of the manors, messuages, lands, tenements and hereditaments in the said Act mentioned, lying within the same counties, ridings, stewartries,

Preamble.

Land tax imposed for one year by 38 Geo. 3. c. 5. shall be raised yearly for ever;

cities, boroughs, cinque ports, towns and places respectively, to be raised, levied and paid unto his Majesty within the space of one year from the twenty-fifth day of March one thousand seven hundred and ninety-eight, shall from and after the expiration of the said term (except as herein-after mentioned) continue and be raised, levied and paid yearly to his Majesty, his heirs and successors, from and after the twenty-fifth day of March in every year for ever; and that all the several powers, rules, directions, provisions, articles, clauses, matters and things contained in the said Act of the present session of Parliament, as far as the same are not varied or otherwise provided for in and by this Act, shall continue and be in full force, and be duly observed, practised and put in execution, as fully and effectually as if the same powers, rules, directions, provisions, articles, clauses, matters and things were particularly repeated and re-enacted in the body of this Act, and expressly applied to the provisions thereof, subject nevertheless to the rules, regulations, restrictions and conditions of redemption or purchase herein mentioned.

subject to redemption or purchase.

This Act shall not extend to personal estate, offices, pensions, &c.; the rates on which shall, after March 25, 1799, be levied according to the direction of future Acts.

II. PROVIDED always, and be it further enacted, that none of the provisions in this Act contained shall extend or be construed to extend to any sum or sums of money charged by virtue of the said Act of the present session of Parliament upon any estate in ready money, debts, goods, wares, merchandizes or personal estate, or upon any person or persons in respect of any publick office or employment of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends or yearly payments, payable out of the receipt of his Majesty's Exchequer in England, or out of his Majesty's publick revenues in Great Britain, in the said Act mentioned; but that the several sums of money charged upon any estate in ready money, debts, goods, wares, merchandizes or personal estate, by the said Act, and also the several sums of money charged under and by virtue of the said Act upon any offices or employments of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends or yearly payments, shall, after the twenty-fifth day of March one thousand seven hundred and ninety-nine, be ascertained, raised, levied, collected and paid, according to the directions of any Act or Acts to be passed for that purpose.

\* \* \* \* \*

## CHAPTER LXIX.

AN ACT for allowing Gold Wares to be manufactured at a Standard lower than is now allowed by Law. [21st June 1798.]

Preamble.

WHEREAS it would be for the advantage of the manufactures of gold in this kingdom that gold of an inferior standard to what is now allowed by law should be permitted to be used for the same: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of October one thousand seven hundred and ninety-eight it shall be lawful for any goldsmith

From Oct. 1, 1798, gold may be manufac-

or other person, making, trading or dealing in gold wares in Great Britain, to work or make, or cause or procure to be wrought or made, any gold vessel, plate or manufacture of gold whatsoever, of the standard of eighteen carats of fine gold in every pound weight troy, and to sell, exchange or expose to sale, or export out of this kingdom, any gold vessel, plate or manufacture of gold whatsoever, of the standard of eighteen carats of fine gold in every pound weight troy, any thing contained in any Act or Acts of Parliament to the contrary notwithstanding.

tured for sale or exportation of the standard of 18 carats in a pound troy.

II. AND be it further enacted, that from and after the said first day of October one thousand seven hundred and ninety-eight no person whatever shall sell, exchange or expose to sale, or export out of this kingdom, or cause or procure to be sold, exchanged or exposed to sale, or exported out of this kingdom, any gold vessel, plate or manufacture of gold, made after the said first day of October one thousand seven hundred and ninety-eight, of the standard of eighteen carats of fine gold in every pound weight troy, until such vessel, plate or manufacture shall be marked with the new mark as follows, that is to say, with the mark of a crown and the figures 18, instead of the mark of the lion passant; upon pain that every such person shall for every such offence forfeit and pay the sum of ten pounds.

Such manufactured gold not to be exposed for sale, sold or exported until marked, on penalty of 10/.

III. AND be it further enacted, that it shall be lawful for the respective companies of goldsmiths in London, Edinburgh, Birmingham and Sheffield, and the wardens and assayer or assayers of gold at York, Exeter, Bristol, Chester, Norwich and Newcastle upon Tyne, being respectively duly authorized according to the laws in force on and immediately before the passing of this Act, to touch, assay and mark with the mark herein-before directed to be used, any gold vessel, gold plate or manufacture of gold, made and wrought after the said first day of October one thousand seven hundred and ninety-eight, of the standard of eighteen carats of fine gold in every pound weight troy of gold, brought to them respectively to be touched, assayed or marked, in like manner and under the like regulations, except as to the mark herein directed to be used instead of the mark of the lion passant, as they respectively are authorized by the laws in force on and immediately before the passing of this Act to touch, assay or mark any gold vessel, gold plate or manufacture of gold, of the standard of twenty-two carats of fine gold in every pound weight troy.

The company of goldsmiths in London, &c. may assay and mark such manufactured gold as now authorized by law, except as to the mark.

IV. PROVIDED always, and be it further enacted, that nothing in this Act contained shall be construed to extend to prohibit the making, selling, exchanging, exposing to sale, or exporting out of this kingdom, any gold vessels, plate or manufactures of gold whatever, of the standard of twenty-two carats of fine gold in every pound weight troy, in the manner directed by any law in force on and immediately before the passing of this Act.

Act not to prevent the manufacturing of gold of the standard of 22 carats in the pound troy;

V. PROVIDED also, and be it further enacted, that nothing herein contained shall be construed to authorize any person to touch, assay or mark, with the mark directed to be used by the laws in force at and immediately before the passing of this Act, any gold vessel, gold plate or manufacture of gold, made and wrought of a lower standard than the standard of twenty-two carats of fine gold in every pound weight troy of gold.

nor to authorize the assaying with the mark used before the passing of this Act any gold manufacture of lower standard than 22 carats in the pound troy.

VI. AND be it further enacted, that if any person shall from and after the said first day of October one thousand seven hundred and ninety-eight work

Penalty of 50/ for making,

selling or exporting manufactured gold not marked with one of the marks required by law.

or make, or cause or procure to be wrought or made, or shall sell, exchange or expose to sale, or export out of this kingdom, or cause or procure to be sold, exchanged or exposed to sale, or exported out of this kingdom, any gold vessel, plate or manufacture of gold, not being duly marked with one of the marks by law required to denote one of the respective standards of twenty-two or eighteen carats of fine gold in every pound weight troy, every such person shall for every such offence forfeit and pay the sum of fifty pounds.

Persons counterfeiting marks, &c. used by the company of goldsmiths in London, &c. ;

VII. [•] AND be it further enacted, that from and after the said first day of October one thousand seven hundred and ninety-eight, if any person shall forge, cast or counterfeit, or cause or procure to be cast, forged or counterfeited, the mark or stamp used or directed to be used in pursuance of this Act for the marking or stamping of gold plate by the company of goldsmiths in London or Edinburgh, or the Birmingham or Sheffield company, or by the wardens or assayer or assayers at York, Exeter, Bristol, Chester, Norwich or Newcastle upon Tyne, or any or either of them ; or shall cast, forge or counterfeit, or shall cause or procure to be cast, forged or counterfeited, any mark, stamp or impression, in imitation of or to resemble any mark, stamp or impression, made or to be made with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them ; or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold, or any wares of silver, brass or other metal, gilt over and resembling plate of gold, with any mark or stamp which hath been or shall be forged or counterfeited at any time (either before, on or after the said first day of October one thousand seven hundred and ninety-eight), in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them ; or shall transpose or remove, or cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of silver, brass or other metal as aforesaid, any mark, stamp or impression, made or to be made by or with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them ; or shall sell, exchange or expose to sale, or export out of this kingdom, any wrought plate of gold, or any vessel of silver, brass or other metal as aforesaid, with any such forged or counterfeit mark, stamp or impression thereon, or any mark, stamp or impression, which hath been or shall be transposed or removed from any other piece of plate, knowing such mark, stamp or impression to be forged, counterfeited or transposed or removed as aforesaid ; or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeited, in imitation of and to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham and Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them ; every such person offending in any such

or marking plate with counterfeit marks ;

or transposing marks from one piece to another ;

or selling, &c. plate with counterfeit or transposed marks ;

or possessing counterfeit marks ;

shall, on conviction, be

or either of the cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to such parts beyond the seas as his Majesty, with the advice of his Privy Council, shall direct, for the space of seven years.

judged guilty of felony, and be transported for seven years.

VIII. AND be it further enacted, that all gold vessels, plate and manufactures of gold whatever, of the standard of eighteen carats of fine gold in every pound weight troy, shall be touched, assayed and marked with the several marks directed to be used by this Act, or by any Act or Acts in force on and immediately before the passing of this Act, in the marking of gold vessels, plate or manufactures of gold, except the mark of the lion passant, by the like persons, at such places, and under such powers, authorities, rules and regulations, and shall have and be under such provisoes, exemptions, qualifications and conditions, and shall be subject to such penalties and forfeitures, and to the like payments and rewards, subtractions and detentions, for or upon touching, assaying and marking the same, as gold vessels, plate and manufactures of gold, of the standard of twenty-two carats of fine gold in every pound weight troy, may or ought to be touched, assayed and marked with the marks required by the laws in force as aforesaid, or have or are subject or liable to by an Act passed in the twelfth year of the reign of his late Majesty King George the Second, intituled "An Act for the better preventing frauds and abuses in gold and silver wares," or by any Act or Acts therein recited or referred to, or by any other Act or Acts in force on and immediately before the passing of this Act with relation to gold plate wrought, made or sold in, or exported out of this kingdom; and that all the powers, authorities, rules, provisions, penalties and forfeitures, methods, clauses and all other matters and things prescribed or appointed by the said Act of the twelfth year of the reign of his said late Majesty, or by any Act or Acts therein recited or referred to, or by any other Act or Acts, with relation to wrought gold plate or manufactures of gold of the standard of twenty-two carats of fine gold in every pound weight troy, and in force on and immediately before the passing of this Act (except where other provisions are expressly made by this Act), shall be observed, practised, applied and put in execution for the working, making, touching and assaying all gold vessels, plate and gold manufactures, of the standard of eighteen carats of fine gold in every pound weight troy, and in and for the making the same according to the directions of this Act, and in and for the selling, exchanging, exposing to sale and exporting the same or any of them; and in and for the recovery of any penalties or forfeitures incurred against the form of the said Acts or any of them, or of this Act, as fully and effectually as if the said several powers, authorities, rules, provisions, penalties and forfeitures, methods, clauses, matters and things had been repeated and re-enacted in this Act, and had herein been expressly applied to such gold vessels, plate and manufactures, of the standard of eighteen carats of fine gold in every pound weight troy respectively.

Manufactured gold of the standard of 18 carats in a pound troy to be assayed, &c., except as to the mark of the lion passant, as manufactured gold of the standard of 22 carats, and to be subject to the like regulations.

## CHAPTER LXXXVII.

AN ACT for the Administration of Assets in Cases where the Executor to whom Probate has been granted is out of the Realm. [28th June 1798.]

## Preamble.

**W**HEREAS the laws now existing are not sufficient to enforce a speedy distribution of the assets of deceased persons where the executor to whom probate of the will hath been granted is out of the jurisdiction of his Majesty's courts of law and equity: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that at the expiration of twelve calendar months from the death of any testator, if the executors or executor to whom probate of the will shall have been granted are or is then residing out of the jurisdiction of his Majesty's courts of law and equity, it shall be lawful for the ecclesiastical court which hath granted probate of such will, upon the application of any creditor, next of kin or legatee, grounded on the affidavit herein-after mentioned, to grant such special administration as herein-after is also mentioned, which administration shall be written or printed upon paper or parchment stamped only with one five shilling stamp, and shall pay no further or other duty to his Majesty, his heirs or successors.

If after a certain period the executor to whom probate is granted shall be residing out of the jurisdiction of his Majesty's courts, on application of a creditor, &c. special administration may be granted, for which a 5s. stamp duty shall be paid. The party applying to make the following affidavit.

II. AND be it further enacted, that the party applying to the spiritual court to grant such administration as aforesaid shall make an affidavit in the following words, or to the purport and effect following:

' I A.B. of do swear, that there is due  
' and owing to me, upon bond or simple contract, or upon account unsettled, as the case may happen to be (in which latter case he shall swear to the best of his belief only), from the estate and effects of  
' deceased, the sum of , and that C.D., the only executor  
' capable of acting, and to whom probate hath been granted, hath departed  
' this kingdom and is now out of the jurisdiction of his Majesty's courts of  
' law and equity, and that this deponent is desirous of exhibiting a bill in  
' equity in his Majesty's court of for the purpose of being  
' paid his demand out of the assets of the said testator.'

Administration to be granted in the following form.

III. AND be it further enacted, that the administration to be granted pursuant to this Act shall be in the form herein-after mentioned; (that is to say,)

' by Divine providence archbishop of Canterbury, primate  
' of all England and metropolitan, to our well-beloved in Christ  
' greeting: Whereas it hath been alledged before the worshipful  
' doctor of laws, surrogate of doctor of laws, master,  
' keeper or commissary of our Prerogative Court of Canterbury, lawfully  
' constituted, by you the said , that  
' did, whilst living and of sound mind, memory and understanding,  
' make and duly execute his last will and testament in writing, and did  
' therefore nominate, constitute and appoint  
' his executors (or sole executor), who in the month of  
' proved the said will by the authority of our said court, and now reside (or  
' resides) out of this kingdom, and out of the jurisdiction of his Majesty's



' courts of law and equity (as in and by an affidavit duly made and sworn  
' to by                               and brought into and left in the registry of our  
' said court, (reference being thereunto had, will more fully and at large  
' appear): And whereas the surrogate aforesaid, having duly considered the  
' premises, did, at the petition of the said                               decree letters  
' of administration of all and singular the goods, chattels and credits of the  
' said                               deceased, to be committed and granted to you the  
' said                               named by or on the behalf of the said  
' a creditor (legatee) or (one of the next kin) of the said deceased (as the  
' case may be), limited for the purpose to become and be made a party to a  
' bill or bills to be exhibited against you in any of his Majesty's courts of  
' equity, and to carry the decree or decrees of any of the said court or courts  
' into effect, but no further or otherwise (justice so requiring): And we being  
' desirous that the said goods, chattels and credits may be well and faithfully  
' administered, applied and disposed of according to law, do therefore, by  
' these presents, grant full power and authority to you, in whose fidelity we  
' confide, to administer and faithfully dispose of the said goods, chattels and  
' credits according to the tenor and effect of the said will, limited as aforesaid,  
' so far as such goods, chattels and credits of the deceased will thereto extend  
' and the law requires, you having been already sworn well and faithfully to  
' administer the same, and to make a true and perfect inventory of all and  
' singular the said goods, chattels and credits, so far as the same may come  
' to your hands, and to exhibit the same into the registry of our said  
' Prerogative Court of Canterbury on or before the                               next ensuing,  
' and also to render a just and true account thereof: And we do by these  
' presents ordain and constitute you administrator of all and singular the  
' goods, chattels and credits of the said deceased, limited as aforesaid, but no  
' further or otherwise.

' Given at London the                      day of                      in the year of our  
' Lord                      and in the                      year of our translation.'

IV. AND be it further enacted, that it shall be lawful for the court of equity in which such suit shall be depending to appoint (if it shall be needful) any persons or person to collect in any outstanding debts or effects due to such estate, and to give discharges for the same, such persons or person giving security in the usual manner duly to account for the same.

**Court may  
appoint persons  
to collect  
outstanding  
debts.**

V. AND be it further enacted, that it shall be lawful for the accountant general of the High Court of Chancery, or for the secretary or deputy secretary of the governor and company of the Bank of England, to transfer, and for the governor and company of the Bank of England to suffer a transfer to be made of any stock belonging to the estate of such deceased person, into the name of the accountant general, in trust for such purposes as the court shall direct, in any suit in which the person to whom such administration hath been granted shall be or may have been a party: Provided nevertheless, that if the executors or executor capable of acting as such shall return to and reside within the jurisdiction of any of the said courts pending such suit, such executors or executor shall be made party to such suit; and the costs incurred by granting such administration and by proceeding in such suit against such administrator shall be paid by such person or persons, or out of such fund, as the court where such suit is depending shall direct.

Stock belonging to the estate of the deceased may be transferred into the name of the accountant general in Chancery, in trust for such purposes as the court shall direct in any suit. Executors returning to reside within jurisdiction of the court to be made a party in such suit.

Where an infant is sole executor, administration to be granted to the guardian, &c.,

VI. AND whereas inconveniences arise from granting probate to infants under the age of twenty-one: Be it enacted, that where an infant is sole executor, administration with the will annexed shall be granted to the guardian of such infant or to such other person as the spiritual court shall think fit, until such infant shall have attained the full age of twenty-one years, at which period, and not before, probate of the will shall be granted to him.

who shall have the same power as where administration is granted durante minore ætate of the next of kin.

VII. AND be it enacted, that the person to whom such administration shall be granted shall have the same powers vested in him as an administrator now hath by virtue of an administration granted to him durante minore ætate of the next of kin.

### 39 GEORGE III. A.D. 1798-9.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWELFTH DAY OF JULY,  
A.D. 1796,  
IN THE THIRTY-SIXTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE  
TWENTIETH DAY OF NOVEMBER, A.D. 1798,  
BEING THE THIRD SESSION OF THE EIGHTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XXXIV.

AN ACT for repealing two Acts passed in the Thirty-sixth Year of the Reign of his present Majesty, which limit the Time for killing Partridges in England and Scotland, and for amending so much of an Act passed in the Second Year of the Reign of his present Majesty as relates to such Limitation within that part of Great Britain called England, by making other Provisions for that purpose. [a] [19th April 1799.]

\* \* \* \* \*

Persons taking, &c. any partridge between Feb. 1<sup>st</sup> and Sept. 1<sup>st</sup> liable to penalties of 2 Geo. 3. c. 19.

III. AND be it further enacted, that from and after the passing of this Act no person or persons shall on any pretence whatsoever take, kill, destroy, carry, sell, buy, or have in his, her or their possession or use, any partridge within the kingdom of Great Britain between the first day of February and the first day of September in any year; and if any person or persons shall transgress this Act in the case aforesaid, every such person shall be liable to the same penalty as by the said Act of the second year of the reign of his present Majesty [b] is laid and imposed on any person or persons transgressing

[a] Rep., as to England, 1 & 2 Will. 4. c. 32. s. 1.]

[b] i.e. 2 Geo. 3. c. 19., which is rep., 1 & 2 Will. 4. c. 32. s. 1., and which contained the following enactments:

[Sect. 4.] And be it further enacted by the authority aforesaid, that if any person or persons shall transgress this Act in any of the aforesaid cases, and shall be lawfully

the same ; such penalty to be imposed, inflicted, recovered, applied and disposed of in such and the same manner, and under such and the same rules, regulations and restrictions, as in and by the said Act is provided and directed with respect to the penalty thereby imposed on persons transgressing the said Act.

## CHAPTER XXXVII.

AN ACT for remedying certain Defects in the Law respecting Offences committed upon the High Seas. [10th May 1799.]

**W**HEREAS by an Act passed in the twenty-eighth year of King Henry the Eighth it is enacted that treasons, felonies, robberies, murders and confederacies committed on the high seas shall be enquired of, tried and determined in such shires and places in the realm as shall be limited by the King's commission to be directed for the same, in like form and condition as if any such offence or offences had been committed or done in or upon the land : And whereas it is expedient to declare that other offences committed on the seas may be enquired of, tried and determined in like manner : Be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and every offence and offences which after the passing of this Act shall be committed upon the high seas, out of the body of any county of this realm, shall be and they are hereby declared to be offences of the same nature respectively, and to be liable to the same punishments respectively, as if they had been committed upon the shore, and shall be enquired of, heard, tried and determined and adjudged, in the same manner as treasons, felonies, murders and confederacies are directed to be by the same Act.

II. AND be it further enacted, that when any person or persons shall be tried for the crime of murder or manslaughter committed upon the sea, by virtue of any commission directed under the said Act, and shall be found guilty of manslaughter only, such persons or person shall be entitled to receive the benefit of clergy in like manner, and shall be subject to the same punishment, as if he or they had committed such manslaughter in or upon the land.

convicted thereof by the oath of one or more credible witness or witnesses, every such person shall for every partridge . . . . . so taken, killed, destroyed, carried, sold, bought, or found in his, her or their possession or use, contrary to the true intent and meaning of this Act, forfeit and pay the sum of five pounds to the person or persons who shall inform or sue for the same : And it shall and may be lawful to and for any person or persons to sue and prosecute for and recover the said penalty of five pounds, with full costs of suit, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster ; and in such action or suit no essoin, wager of law or more than one imparlance shall be allowed.

[Sect. 6.] Provided always, and be it enacted, that no such action, suit, bill, plaint or information shall be brought or exhibited but within the space of six months next after the matter or thing done, for which the same shall be commenced or exhibited as aforesaid.]

Preamble.  
28 Hen. 8.  
c. 15.  
recited.

All offences committed on the high seas to be liable to the same punishments as if committed on shore, and to be tried and adjudged in the same manner as felonies, &c. are directed to be by the recited Act.

Persons tried for murder or manslaughter, and found guilty of manslaughter only, shall be entitled to the like benefit of clergy, and be subject to the same punishment, as if the offence were committed on land.

## CHAPTER XLIX.

AN ACT to extend the Bail to be given in cases of Criminal Information in that part of Great Britain called Scotland. [13th June 1799.]

Preamble.  
Act of the  
Parliament of  
Scotland, 1701.

11 Geo. 1.  
[c. 26. s. 11.]

Magistrates  
and judges in  
Scotland may  
extend the bail  
to be given in  
cases of cri-  
minal informa-  
tions to 1,200*l*.  
for a nobleman,  
600*l*. for a  
landed gentle-  
man, 300*l*. for  
any other gen-  
tleman, burgess  
or householder,  
and 60*l*. for an  
inferior person.

**W**HEREAS by an Act of the Parliament of Scotland made in the year one thousand seven hundred and one, intituled "An Act for preventing " wrongous imprisonment, and against undue delays in trials," the sums for which bail was ordered to be taken in criminal informations were not to exceed six thousand merks for a nobleman, three thousand merks for a landed gentleman, one thousand merks for any other gentleman and burgess, and three hundred merks for any other inferior person, all money of Scotland: And whereas by an Act made in the eleventh year of the reign of his late Majesty King George the First, intituled "An Act for more effectual disarming " the Highlands in that part of Great Britain called Scotland, and for the " better securing the peace and quiet of that part of the kingdom," reciting that it was found by experience that the sums for which bail is to be taken on any criminal information in pursuance of the said Act of the Parliament of Scotland were too small and disproportioned to the danger of the criminals escaping from the punishment appointed by law, it was enacted, that from and after the first day of June one thousand seven hundred and twenty-five it might and should be lawful to and for all and every magistrate, judge and court of judicature within Scotland, who by the said Act above recited were in case of criminal informations and accusations directed to limit the bail by them to be taken to the several and respective sums above-mentioned, to extend the bail to be given in the said several and respective cases to double the sums provided by the aforesaid Act, if he or they upon the circumstances of the case should think fit: And whereas it is again found by experience that the sums to which bail was extended by the said last recited Act in criminal informations and accusations, however adequate they may have been at this last period to the general state of the country and to the circumstances of individuals, do no longer bear any suitable relation thereto, and have become insufficient for compelling persons accused of crimes to stand their trials, and tend to render ineffectual and nugatory the most salutary laws, to bring into contempt the authority of the magistrate, and to afford a temptation and facility to the commission of crimes: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful to and for all and every magistrate, judge and court of judicature within that part of Great Britain called Scotland, who by the said last recited Act were in cases of criminal informations and accusations directed to limit the bail by them to be taken to double the sums provided by the aforesaid Act of the Parliament of Scotland, to extend the bail to be given in the said several and respective cases, if he or they upon the circumstances of the case shall think fit, to the several and respective sums following; videlicet, to one thousand two hundred pounds sterling for a nobleman, six hundred pounds sterling for a landed gentleman, three hundred pounds sterling for any other gentleman, burgess or householder, and to sixty pounds sterling for any inferior person.

II. AND whereas several instances have lately occurred of disaffected persons concerned in societies of a criminal nature, when any of their associates have been committed to prison, subscribing the sums necessary for bailing such persons, in order that, by forfeiture of the bail bonds, they may evade a trial and escape from justice: Be it therefore enacted, that in all cases where any person shall in future be imprisoned on a charge of being guilty of the crime of sedition, it shall and may be lawful for the judges of the Court of Justiciary, or any one of them, on an application for that purpose in the name of his Majesty's advocate, to extend the bail respectively herein directed to be taken, beyond the sums above specified, to such amount as, under all the circumstances of the case, the court, or any judge thereof, shall consider sufficient for ensuring the attendance or the appearance of the person accused on the day of trial [Rep., 6 Geo. 4. c. 47. s. 5.]: Provided always, that nothing herein contained shall extend or be construed to extend to deprive such person of the other benefits of the Acts above-mentioned, and particularly of his forcing on the day of trial, as specially directed by the Act of the Parliament of Scotland first above recited.

In cases where persons are imprisoned on a charge of sedition, any judge of the Court of Justiciary, on application in the name of his Majesty's advocate, may extend the bail beyond the sums above specified.

Act not to deprive persons of the benefits of the recited Acts.

## CHAPTER LV.

AN ACT for encouraging the Improvement of Lands subject to the Servitude of Thirlage in that Part of Great Britain called Scotland.

[13th June 1799.]

**W**HEREAS it is found by experience that the servitude of thirlage and right of mill services incident thereto in that part of Great Britain called Scotland are very unfavourable to the general improvement of the country, by checking the industry of the occupiers of the ground, and by occasioning troublesome and expensive litigation, and that it is highly expedient that it should be allowed to persons subject to such servitude to compensate or to commute the same by a fixed annual payment in lieu and satisfaction of the said right of thirlage, and of all services, prestations and restrictions thereto incident or pertaining, and in some cases to make an entire and complete purchase of the same for a fair and adequate price: Therefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the proprietor or proprietors of any lands or tenements thirled or astricted to any mill in that part of Great Britain called Scotland, or to the proprietor of any mill to which the lands or tenements of any other person or persons are thirled or astricted, who shall be desirous to have such thirlage or astriction changed or commuted into such annual payment, to apply to his Majesty's sheriff or steward depute of the county or stewartry in which such lands or tenements and mills are situated, or to his substitute, by a petition, setting forth such his or their desire, and specifying the lands and tenements so thirled which he or they is or are desirous should be freed from such thirlage, and the mill or mills to which such lands or tenements are so thirled, and also the nature of the thirlage, the several species of corn or grain over which it is extended, the quantity of multure paid for grinding every sort of grain, the services dependant on the right, and the total amount of the multures

Preamble.

Proprietors of lands thirled, or of mills to which lands are thirled, may apply to have the thirlage commuted to the sheriff or steward depute or substitute, who shall proceed as herein directed.

and other dues claimed or allowed to be due ; which petition the said sheriff or steward depute or substitute shall order to be served on the other party or parties interested in the said thirlage, and on the tenant or tenants of the mill or mills described in the said petition, and shall also cause an edictal citation to be made of all parties having or pretending to have interest in the said thirlage at the church or churches of the parish or parishes within which the mill and also the lands thirled thereto are situated ; and the party or parties on whom such petition is served shall within forty days after such service and citation if within Scotland, or if furth thereof, then within sixty days, lodge with the sheriff or steward's clerk their answers to the petition (and if any of the said subjects are entailed, on the next substitute heir of entail within the kingdom, who would succeed failing the heir in possession and his family), and shall therein set forth all objections they may have either to any further procedure or to the matter of the said petition ; and they shall also state every claim, demand or deduction, which they are either then or afterwards to make or crave ; which petition and answers the sheriff or steward depute or his substitute shall immediately take into consideration, and within thirty days shall make an order or decree finding and declaring the precise matters in the said petition and answers which are relevant to pass to the knowledge of a jury in manner after mentioned ; and twenty days from the date of such order or decree having elapsed, or in case of any advocacy, suspension or other stay by the authority of a superior court, within ten days after such advocacy, suspension or other stay has been discussed and removed, the sheriff or steward depute or his substitute shall pronounce an interlocutor appointing a jury to be summoned on a certain day, to be expressed in the said interlocutor, at the distance of not less than thirty and not more than forty days from the date of such interlocutor, to give their verdict or determination on the matters contained in the said petition and answers and decree made thereon by the said sheriff or steward depute or substitute, or by a superior court, in such manner and for such purpose as herein-after is directed ; and the said sheriff or steward depute or his substitute is hereby directed and required to summon an assize of at the least twenty-one impartial and disinterested men, each of whom shall be an heritor or tenant of land paying thirty pounds sterling of yearly rent within the said county or stewartry, or in the case of heritors occupying their own lands then of thirty pounds Scots of valued rent, on such day as shall be mentioned in the interlocutor aforesaid ; which assize being called on the said day, the number of persons then attending on the said assize shall be reduced to nine by each party (that is, the proprietor of the mill on the one part, and the proprietor or proprietors of the thirled lands or tenements on the other,) striking off alternately, beginning on the part of the proprietor of the mill, or in case of any of the parties not appearing, by the sheriff or steward depute or substitute striking off for and on behalf of such party, till the number be reduced to nine, who shall be sworn and constitute a jury for the determination of the annual value of the thirlage services and prestations thereto annexed which is submitted to their consideration ; before which jury and the said sheriff or steward depute or substitute the said petition and answers and decree, together with such evidence as any of the parties may incline, shall be laid ; which evidence shall be taken in writing and remain for four years at least upon record in the court where it was taken ; and after

deliberating thereon and hearing parties and their procurators, if they shall desire to be heard, and upon a due consideration of all the circumstances of the case, the said jury shall, by their verdict or determination, fix and ascertain the amount of such annual payment in grain of such kinds and in such quantity and amount as to the said jury shall appear to be a just, fair and equal value and compensation for the said right of thirlage, and all and every service, prestation or restriction thereto annexed or incident; of which verdict or determination an abbreviate shall be registered by any of the parties in the general register of sasines at Edinburgh, or the particular register for the said county or stewartry, within sixty days after the pronouncing of such verdict or determination: Provided always, that nothing herein contained shall invalidate or infringe the right competent to the proprietor of any mill for supporting and repairing the mill dam and the ledd or aqueduct conducting the water to such mill, by taking stones, turf or other materials from the thirled lands of any neighbouring heritor along which the said aqueduct passes, or of deepening or clearing the same, conform to use and wont.

Act not to infringe the right of taking materials for supporting mill dams, &c.

II. AND whereas the said petition and answers may contain matters of law touching rights of thirlage, whereto the said sheriff or steward depute or substitute has not a competent jurisdiction: Be it therefore enacted, that it shall be lawful to the said sheriff or steward depute or substitute, and they are hereby empowered and authorized, to decide and determine, by their order or decree on the said petition and answers, all questions in law therein contained respecting the nature, quality and extent of the thirlage to be valued, and services, prestations and restrictions thereto incident, or the claims, demands and deductions made or craved by either of the parties, any law or practice to the contrary notwithstanding.

Sheriff, &c. may determine all questions in law contained in petitions and answers.

III. PROVIDED always, that it shall not be lawful to the said sheriff or steward depute or substitute to pronounce any judgement or decree finding or declaring lands to be thirled or astricted to a mill, where the proprietor of the lands denies the existence of any such right of thirlage, unless the other party produce an extract of a decree of declarator pronounced by the Court of Session, or sufficient evidence thereof in proof of his right, and that the said sheriff or steward depute or substitute shall (such production not being made) dismiss the petition in so far as regards the lands which are denied to be thirled, and proceed only to the valuation of the thirlage of those lands which are confessed to be thirled, as in manner is before directed.

Sheriff, &c. not to declare land thirled if the proprietor deny it, unless the other party produce proof of the right.

IV. AND be it specially enacted, provided and declared, that after the expiry of three years from the registration of the verdict of the jury the said verdict and the proceedings had relative thereto shall not be reduced, set aside, reviewed, altered or amended by the Court of Session or any other judicatory, for any neglect of the provisions herein contained, or for any informality or error, or for any other reason or pretext whatever; and if any party shall pursue any process of reduction of the verdict of the jury or other process for setting the same aside, or for altering or amending the same, in the Court of Session, and shall fail in such pursuit or process, such party prosecuting as aforesaid shall be liable to the other party or parties in full costs of suit.

After three years registration of the verdict it shall not be altered, &c.

V. AND be it further enacted, that after such verdict and determination as aforesaid the servitude of thirlage, and all services, prestations and restrictions pertaining or any way incident thereto, so valued by the said jury, shall cease

After verdict all restrictions shall cease, and the proprietor

of the mill shall be bound to receive the compensation in corn, or its value in money, at the option of the payer.

Verdict not to be delayed by absence of any persons interested, but the day for taking it may be adjourned, on sufficient reason being shown.

Annual payment in lieu of thirlage to be made at Candlemas.

The commutation for thirlage to mills let on lease shall be paid to the lessees in full compensation for their rights ; and where paid by proprietors of lands on lease thirled, the lessee shall pay the proprietor.

to be exigible from or binding upon either or any of the parties, but that in lieu thereof the said proprietor or proprietors, occupier or occupiers of the thirled lands or tenements shall be bound and obliged to pay, and the proprietor of the mill to which the said lands or tenements are thirled shall be bound and obliged to receive annually, at the mill where the multure under the former servitude of thirlage was in use to be paid or at some other convenient place to be fixed by the jury, such quantity or amount of corn or grain of such kind or sort, kinds or sorts, as the said jury shall in manner aforesaid determine to be a just compensation or equivalent for such right of thirlage, or, in the option of the payer, the value of such corn or grain in money, according to the value or price put upon such kind or kinds of corn or grain by the fiars of the county in which the grain is payable for the year within which such payment is due.

VI. PROVIDED always, and it is hereby further enacted and declared, that such verdict or determination shall not be prevented or delayed by the absence or non-attendance of any person interested in such thirlage, but that the jury shall proceed on such evidence as shall be produced to them by any of the parties then and there attending, and pronounce such verdict and determination as aforesaid, which shall be as valid and effectual to all intents and purposes as if all the parties interested therein had attended and been heard in relation thereto ; but it is also provided, that if any of the parties shall shew sufficient reason for adjourning the said day appointed for taking the verdict of the jury, it shall be lawful for the said sheriff or steward depute or substitute to make such adjournment to any day within thirty days from the day first appointed, the party praying an adjournment always defraying all expences thereby incurred.

VII. AND be it further enacted, that the annual payment herein above directed to be made in lieu and satisfaction of the said servitude of thirlage shall be payable at the term of Candlemas in each year, the first payment to be made at the term of Candlemas immediately subsequent to the date of the verdict or determination of the said jury ; the amount of which first payment shall be fixed by the said jury according to such proportion as they shall judge reasonable on the whole circumstances of the case.

VIII. AND be it further enacted, that where the mill or mills aforesaid, with the rights of thirlage thereto annexed, are let to tenants under tacks or leases, the annual payment in grain or money so as aforesaid to be paid as a commutation or equivalent for the right of thirlage annexed to such mill shall and the same is hereby declared to be payable during the term or currency of such tack or lease to the tenant or lessee of such mill or mills, and such annual payment shall be to such tenant or lessee, tenants or lessees, full compensation for or in lieu and satisfaction of all multure, mill services or other rights or servitudes pertaining or incident to the said right of thirlage let to him or them by such tack or lease, such tack or lease or any condition or prestation therein contained notwithstanding ; and where the lands of the servient tenement or estate thirled are let in lease to tenants, and the proprietor shall pay the annual commutation or equivalent, the lessees shall in that case be obliged to make payment to the proprietor of a proportion of the said annual commutation or equivalent, corresponding to the rent of the lands let in lease compared with the total amount of rent payable by the whole lands thirled, and that the said proportion of the said annual commutation or



equivalent shall be recoverable by the proprietor in the same manner in which he is entitled to recover his rent.

IX. PROVIDED always and be it enacted, that if the proportion by rent shall be objected to by tenants paying one fourth or more of the rent of the lands thirled, the said jury shall then divide, according to the best of their judgement, information and belief, the different parts of the commutation to be paid by the several tenants according to the value of multures, services and prestations legally exigible from the several respective farms occupied or possessed by them ; or if the parties are not then prepared, the sheriff or steward depute or his substitute is hereby authorized and required, at the request and desire of the above-mentioned proportion of the tenants, again to convene the aforesaid jury in manner and with notice as above directed, and that on any day within the space of two months from the date of their first award, when the said jury shall meet and make such division.

On objection of tenants paying one fourth of the rent of lands thirled, a jury to divide the commutation.

X. AND whereas the annual payment to be adjudged under this Act to the proprietor of a mill in lieu of the multures, mill services and other rights from which the lands thirled are to be thereby relieved, is meant and understood to be of equal value and a full compensation for the discharge thereof, and in no ways to take from or diminish the value of his right as proprietor : It is further hereby enacted and declared, that the discharge of the multures, mill services and other rights belonging to a proprietor of a mill, as to the whole or any part of the lands astricted to it, and the substitution of an annual payment by way of compensation in place thereof in the manner above provided for, shall afford to such proprietor no ground or pretence for claiming relief from any part of the cess or land tax payable by him in respect thereof, either where such mill stood separately valued in the cess books or where it was included in a joint or cumulo valuation with other parts of his property ; and for the same reason, that it shall not in any ways affect or impair any right of freehold or qualification to elect or be elected as a member of Parliament arising from or founded upon it, either where the mill with its mill lands and multures of itself affords such qualification in respect of its valuation or old extent, or where it makes part of a tenement which forms such qualification either on its valuation or as separately retoured of an extent sufficient for that purpose.

Commutation not to give claim to the mill proprietor to relief from the land tax, nor to affect right of freehold.

XI. AND whereas there is a kind of thirlage known in the law and practice of Scotland, called a thirlage of the invecta et illata, to which sundry towns, burghs, burghs of barony, villages or other places in that part of the kingdom and the inhabitants thereof are subject, which thirlage it is expedient to allow to be purchased by the persons subject to the same : Be it therefore enacted, that if any inhabitant or inhabitants of such town, burgh, village or place, shall be desirous to purchase an exemption from the said servitude of thirlage, and all and every the services and prestations incident thereto, to which the whole town, burgh, village or place is liable, from the proprietor of such mill or mills entitled to the same, it shall be lawful and competent to them to apply in manner above mentioned to the sheriff or steward depute of the county or stewartry in which such town, burgh, village or place is situate, who shall take such proceedings and summon a jury in such manner as is herein-before particularly directed, which jury shall by their verdict fix and determine the full value in money of such right of thirlage in perpetuity ; on

Thirlage of the invecta et illata may be purchased.

which verdict and determination the said sheriff or steward depute or substitute shall pronounce decreet against the person or persons so petitioning or applying to him as aforesaid for the sum so fixed and determined by such jury; on payment of which to the proprietor of the mill, such town, burgh, village or place, or such inhabitant or inhabitants thereof, formerly subject to such thirlage, shall thenceforth be for ever freed and relieved from the same.

Such thirlage may be purchased notwithstanding the mill be held under a deed of entail, on certain conditions.

20 Geo. 2.  
[c. 50. ss. 16,  
17.]

XII. AND it is hereby further enacted, that such proceeding may take place and such exemption be purchased in manner aforesaid notwithstanding the mill or mills, to which such burgh, town or village is thirled, be held by the proprietor or proprietors thereof under a deed or deeds of entail; provided that the price paid for the same, in virtue of the determination of the jury and decreet of the sheriff hereby directed, shall be settled and secured in like manner as is directed in the case of superiorities sold to the vassals of entailed estates by an Act made in the twentieth year of the reign of his late Majesty King George the Second, intituled "An Act for taking away the tenure of ward holding in Scotland, and for converting the same into blanch and feu holdings, and for regulating the casualty of non-entry in certain cases, and for taking away the casualties of single and life rent escheats incurred there by horning and denunciation for civil causes, and for giving to heirs and successors there a summary process against superiors, and for discharging the attendance of vassals at head courts there, and for ascertaining the service of tenants there, and for allowing heirs of tailzie there to sell lands to the crown for erecting buildings and making settlements in the Highlands."

If mill and lands be within different counties, &c., application to be made to the sheriff where the mill is situate.

Act not to extend where dry multure is fixed.

XIII. AND whereas it may happen that a mill and some of the lands thirled to it may be within different counties or stewartries: Be it enacted, that in such case the application shall be made to the sheriff or steward of the county or stewartry in which the mill is situated, before whom the parties concerned who live without his jurisdiction may be cited by virtue of letters of supplement in common form.

XIV. PROVIDED always, and it is hereby expressly enacted and declared, that nothing herein-before contained shall apply to the case where a permanent annual payment, either in money or grain, is already fixed or established under the name of dry multure in lieu of the servitude of thirlage; but reserving nevertheless to either party, as well the proprietor of the dominant as of the servient tenement, to apply in manner herein-before directed for commutating or compensating, by such fixed annual payment as herein-before mentioned, all mill services and other prestations and restrictions, if any such are exigible, over and above the sum of money or grain payable in name of dry multure as aforesaid.

## CHAPTER LVI.

AN ACT to explain and amend the Laws relative to Colliers in that Part of Great Britain called Scotland. [13th June 1799.]

No action to be competent for money advanced by or

V. AND whereas there is a general practice among the coal owners and lessees of coal of advancing considerable sums to their colliers or for their behoof, much beyond what the colliers are able to repay, which sums are

advanced for the purpose of tempting them to enter into or continue their engagements, notwithstanding the sums so advanced are kept up as debts against the colliers: Be it therefore further enacted, that no diligence or action shall be competent for any sum or sums of money hereafter to be lent or advanced to colliers or other persons employed at the collieries as aforesaid, [•] by the coal owner or lessee of any colliery, or by any other person or persons on their behalf, or for any debts due by colliers or other persons as aforesaid, which shall be acquired by the said coal owners or lessees, or by others on their account, either previous to their engagement or during the currency thereof and in view of the same, excepting always such sum or sums as shall be advanced to any collier or other persons employed at collieries as aforesaid, during the currency of his or her service, for the support of his or her family in case of sickness.

on behalf of coal owners or lessees to colliers, except for support of their families in case of sickness.

VI. PROVIDED always, and be it enacted, that it shall and may be lawful to the coal owner or lessee who shall lend or advance such sum or sums of money, to retain from the wages of the colliers or others aforesaid, to whom the same shall be so lent or advanced, one twelfth part of the said sum or sums weekly, till the principal sum or sums, without interest, so advanced be paid up; but declaring that if the engagement of such collier shall expire before the principal sum or sums so advanced be fully paid up, the coal owner or lessee who advanced the same shall have action for the balance in the same manner as if this Act had not passed.

Coal owners or lessees may detain a part of the weekly wages till money advanced be paid, and may have an action for the balance.

\* \* \* \* \*

### CHAPTER LXXIII.

AN ACT for exempting certain specifick Legacies which shall be given to Bodies Corporate or other Publick Bodies from the Payment of Duty; and also the Legacy of Books and other Articles given by the Will of the late Reverend Clayton Mordaunt Cracherode to the Trustees of the British Museum. [12th July 1799.]

**W**HEREAS it is expedient that certain specifick legacies given to bodies corporate and other publick bodies and societies should be exempted from the duties imposed on legacies: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no legacy consisting of books, prints, pictures, statues, gems, coins, medals, specimens of natural history, or other specifick articles, which shall be given or bequeathed to or in trust for any body corporate, whether aggregate or sole, or to the Society of Serjeants Inn, or any of the inns of court or chancery, or any endowed school, in order to be kept and preserved by such body corporate, society or school, and not for the purposes of sale, shall be liable to any duty imposed on legacies by any law now in force.

Preamble.

No legacy of books, &c. bequeathed to any body corporate, &c. to be preserved, shall be liable to any duty.

\* \* \* \* \*

[• i.e. Colliers, coal hewers, coal bearers and all other persons of every description employed at collieries in that part of Great Britain called Scotland.]

## CHAPTER LXXIX.

AN ACT for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes, and for better preventing Treasonable and Seditious Practices. [12th July 1799.]

Preamble.

**W**HEREAS a traitorous conspiracy has long been carried on in conjunction with the persons from time to time exercising the powers of government in France, to overturn the laws, constitution and government, and every existing establishment, civil and ecclesiastical, both in Great Britain and Ireland, and to dissolve the connection between the two kingdoms, so necessary to the security and prosperity of both: And whereas in pursuance of such design, and in order to carry the same into effect, divers societies have been of late years instituted in this kingdom and in the kingdom of Ireland of a new and dangerous nature, inconsistent with publick tranquillity and with the existence of regular government, particularly certain societies calling themselves Societies of United Englishmen, United Scotsmen, United Britons, United Irishmen, and The London Corresponding Society: And whereas the members of many of such societies have taken unlawful oaths and engagements of fidelity and secrecy, and used secret signs, and appointed committees, secretaries and other officers in a secret manner, and many of such societies are composed of different divisions, branches or parts, which communicate with each other by secretaries, delegates or otherwise, and by means thereof maintain an influence over large bodies of men, and delude many ignorant and unwary persons into the commission of acts highly criminal: And whereas it is expedient and necessary that all such societies as aforesaid, and all societies of the like nature, should be utterly suppressed and prohibited, as unlawful combinations and confederacies, highly dangerous to the peace and tranquillity of these kingdoms and to the constitution of the government thereof as by law established: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all the said societies of United Englishmen, United Scotsmen, United Irishmen, and United Britons, and the said society commonly called The London Corresponding Society, and all other societies called Corresponding Societies of any other city, town or place, shall be and the same are hereby utterly suppressed and prohibited, as being unlawful combinations and confederacies against the government of our sovereign lord the King, and against the peace and security of his Majesty's liege subjects.

Certain societies suppressed.

All societies, the members whereof shall be required to take any oath prohibited by 37 Geo. 3. c. 123. or not authorized by law, &c., or shall have any members, committees or officers not known to the

II. AND be it further enacted by the authority aforesaid, that from and after the passing of this Act all and every the said societies, and also every other society now established or hereafter to be established, the members whereof shall, according to the rules thereof or to any provision or agreement for that purpose, be required or admitted to take any oath or engagement which shall be an unlawful oath or engagement within the intent and meaning of an Act passed in the thirty-seventh year of his Majesty's reign, intituled "An Act for more effectually preventing the administering or taking " of unlawful oaths," or to take any oath not required or authorized by law; and every society the members whereof or any of them shall take or in any

manner bind themselves by any such oath or engagement, on becoming or in consequence of being members of such society; and every society the members whereof shall take, subscribe or assent to any test or declaration not required by law or not authorized in manner herein-after mentioned; and every society of which the names of the members or of any of them shall be kept secret from the society at large, or which shall have any committee or select body so chosen or appointed that the members constituting the same shall not be known by the society at large to be members of such committee or select body, or which shall have any president, treasurer, secretary, delegate or other officer, so chosen or appointed that the election or appointment of such persons to such offices shall not be known to the society at large, or of which the names of all the members and of all committees or select bodies of members, and of all presidents, treasurers, secretaries, delegates and other officers, shall not be entered in a book or books to be kept for that purpose, and to be open to the inspection of all the members of such society; and every society which shall be composed of different divisions or branches, or of different parts acting in any manner separately or distinct from each other, or of which any part shall have any separate or distinct president, secretary, treasurer, delegate or other officer, elected or appointed by or for such part, or to act as an officer for such part, shall be deemed and taken to be unlawful combinations and confederacies; and every person who from and after the passing of this Act shall become a member of any such society, or who being a member of any such society at the passing of this Act shall afterwards act as a member thereof, and every person who after the passing of this Act shall directly or indirectly maintain correspondence or intercourse with any such society, or with any division, branch, committee or other select body, president, treasurer, secretary, delegate or other officer or member thereof as such, or who shall, by contribution of money or otherwise, aid, abet or support such society, or any members or officers thereof as such, shall be deemed guilty of an unlawful combination and confederacy.

society at large, &c., to be deemed unlawful;

and members thereof, and persons corresponding, &c. with them, to be deemed guilty of an unlawful combination.

III. PROVIDED always nevertheless, and be it enacted, that nothing herein contained shall extend to any declaration to be taken, subscribed or assented to by the members of any society, in case the form of such declaration shall have been first approved and subscribed by two or more of his Majesty's justices of the peace for the county, stewartry, riding, division or place where such society shall ordinarily assemble, and shall have been registered with the clerk of the peace or his deputy for such county, stewartry, riding, division or place, for which there shall be paid a fee of one shilling, and no more; but that such approbation of the justices as aforesaid shall remain valid and effectual no longer than until the next general session for such county, stewartry, riding, division or place, unless the same shall, on application made by the parties concerned, be confirmed by the major part of the justices present at such general session; and if the same shall not be then and there so confirmed, the provisions of this Act shall from thenceforth extend to such declaration, and to all societies or persons subscribing the same, in so far as may relate to all acts which may be done by them or any of them subsequent to the holding of such general session.

Act not to extend to declarations approved by two justices, and registered with the clerk of the peace.

Such approbation to be confirmed at the next general quarter session.

\* \* \* \* \*

Act not to extend to regular lodges of Free Masons held before the passing of this Act;

V. AND whereas certain societies have been long accustomed to be holden in this kingdom under the denomination of Lodges of Free Masons, the meetings whereof have been in great measure directed to charitable purposes: Be it therefore enacted, that nothing in this Act shall extend to the meetings of any such society or lodge which shall before the passing of this Act have been usually holden under the said denomination and in conformity to the rules prevailing among the said societies of Free Masons.

but two members of each lodge shall certify the same on oath, and deposit the certificate within two months with the clerk of the peace, with whom the name of the society, the names of the members and the time and place of meeting, shall be registered yearly.

VI. PROVIDED always, that this exemption shall not extend to any such society, unless two of the members composing the same shall certify upon oath (which oath any justice of the peace or other magistrate is hereby empowered to administer), that such society or lodge has before the passing of this Act been usually held under the denomination of a Lodge of Free Masons, and in conformity to the rules prevailing among the societies or lodges of Free Masons in this kingdom; which certificate, duly attested by the magistrate before whom the same shall be sworn, and subscribed by the persons so certifying, shall, within the space of two calendar months after the passing of this Act, be deposited with the clerk of the peace for the county, stewardry, riding, division, shire or place, where such society or lodge hath been usually held: Provided also, that this exemption shall not extend to any such society or lodge, unless the name or denomination thereof, and the usual place or places and the time or times of its meetings, and the names and descriptions of all and every the members thereof, be registered with such clerk of the peace as aforesaid, within two months after the passing of this Act, and also on or before the twenty-fifth day of March in every succeeding year.

Clerk of the peace to enrol such certificate and registry, and lay the same before the general session yearly, who may order any lodge to be discontinued, if likely to be injurious to the publick peace.

VII. AND be it enacted, that the clerk of the peace or the person acting in his behalf in any such county, stewardry, riding, division, shire or place, is hereby authorized and required to receive such certificate and make such registry as aforesaid, and to enrol the same among the records of such county, stewardry, riding, division, shire or place, and to lay the same once in every year before the general session of the justices for such county, stewardry, riding, division, shire or place; and that it shall and may be lawful for the said justices or for the major part of them, at any of their general sessions, if they shall so think fit, upon complaint made to them upon oath by any one or more credible persons that the continuance of the meetings of any such lodge or society is likely to be injurious to the publick peace and good order, to direct that the meetings of any such society or lodge within such county, stewarty, riding, division, shire or place, shall from thenceforth be discontinued; and any such meeting held notwithstanding such order of discontinuance, and before the same shall by the like authority be revoked, shall be deemed an unlawful combination and confederacy under the provisions of this Act.

How offenders may be proceeded against,

VIII. AND be it further enacted, that every person who at any time after the passing of this Act shall, in breach of the provisions thereof, be guilty of any such unlawful combination and confederacy as in this Act is described, shall and may be proceeded against for such offence in a summary way, either before one or more justice or justices of the peace for the county, stewardry, riding, division, city, town or place, where such person shall happen to be, or by indictment to be preferred in the county, riding, division, city, town or

place in England wherein such offence shall be committed, or by indictment in the court of justiciary or in any of the circuit courts in Scotland, if the offence shall be committed in Scotland; and every person being convicted of any such offence on the oath of one or more credible witness or witnesses by such justice or justices as aforesaid, shall be by him or them committed to the common gaol or house of correction for such county, stewartry, riding, division, city, town or place, there to remain without bail or mainprize for the term of three calendar months, or shall be by such justice or justices adjudged to forfeit and pay the sum of twenty pounds, as to such justice or justices shall seem meet; and in case such sum of money shall not be forthwith paid into the hands of such justice or justices, he or they shall, by warrant under his or their hand and seal or hands and seals, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale, and for want of sufficient distress shall commit such offender to the common gaol or house of correction of such county, stewartry, riding, division, city, town or place as aforesaid, for any time not exceeding three calendar months; and every person convicted of any such offence upon indictment by due course of law shall and may be transported for the term of seven years in the manner provided by law for transportation of offenders, or imprisoned for any time not exceeding two years, as the court before whom such offender shall be tried shall think fit; and every such offender who shall be ordered to be transported shall be subject and liable to all laws concerning offenders ordered to be transported.

and how  
punished.

IX. PROVIDED always, that it shall be lawful for the justice or justices of the peace, by or before whom any persons shall, in pursuance of this Act, be convicted of any unlawful combination or confederacy, and such justice and justices is and are hereby authorized and empowered (if he or they shall see cause), to mitigate and lessen the punishment herein-before directed to be inflicted upon any offender against this Act so convicted as aforesaid, so as such punishment be not thereby reduced to less than one third of the punishment hereby directed to be inflicted as aforesaid, whether such punishment shall be by imprisonment or fine.

Justices may  
mitigate  
punishment.

X. PROVIDED also, and be it further enacted, that any person who shall be prosecuted before any justice or justices of the peace in a summary way for any offence against this Act, and shall be convicted or acquitted by such justice or justices, shall not afterwards be prosecuted or be liable to be prosecuted by indictment or otherwise for the same offence; and so in like manner any person who shall be convicted or acquitted upon any indictment for any offence against this Act shall not afterwards be prosecuted or be liable to be prosecuted before any justice or justices of the peace in a summary way for the same offence.

Persons prosecuted either before a justice or by indictment, not to be liable to other prosecution for the same offence.

XI. PROVIDED also, that nothing in this Act contained shall extend to prevent any prosecution by indictment or otherwise for any thing which shall be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act and convicted or acquitted of such offence; . . . . .

Offenders may be indicted independently of this Act if not prosecuted thereunder.

\* \* \* \* \*

Penalty for  
permitting  
unlawful  
meetings.

XIII. AND be it further enacted, that if any person shall knowingly permit any meeting of any society hereby declared to be an unlawful combination or confederacy, or of any division, branch or committee of such society, to be held in his or her house or apartment, such person shall for the first offence forfeit the sum of five pounds, and shall, for any such offence committed after the date of his or her conviction for such first offence, be deemed guilty of an unlawful combination and confederacy in breach of this Act.

Justices on  
oath of an  
unlawful  
meeting having  
been held may  
declare the  
licence of the  
house forfeited.

XIV. AND be it further enacted, that it shall be lawful for any two or more justices of the peace acting for any county, stewardry, riding, division, city, town or place, upon evidence on oath that any meeting of any society hereby declared to be an unlawful combination and confederacy, or any meeting for any seditious purpose, hath been held after the passing of this Act at any house, room or place, licensed for the sale of ale, beer, wine or spirituous liquors, to adjudge and declare the licence or licences for selling ale, beer, wine or spirituous liquors, granted to the person or persons keeping such house, room or place, to have been forfeited; and the person or persons so keeping such house, room or place shall, from and after the day of the date of such adjudication and declaration, be subject and liable to all and every the penalties and forfeitures for any act done after that day, which such person or persons would be subject and liable to, if such licence or licences had expired or otherwise determined on that day.

\* \* \* \* \*

Prosecutions,  
&c. to be com-  
menced within  
three months  
after penalty is  
incurred.  
Recovery of  
penalties.

XXXIV. PROVIDED always, that no person shall be prosecuted or sued for any penalty imposed by this Act unless such prosecution shall be commenced or such action shall be brought within three calendar months next after such penalty shall have been incurred.

XXXV. AND be it further enacted, that any pecuniary penalty imposed by this Act exceeding the sum of twenty pounds may be sued for and recovered by any person who will sue for the same, by action of debt in any of his Majesty's Courts of Record at Westminster, if such penalty shall have been incurred in England or Wales or the town of Berwick upon Tweed, and in his Majesty's Court of Exchequer in Scotland, if such penalty shall have been incurred in Scotland; in which action it shall be sufficient to declare or alledge that the defendant is indebted to the plaintiff in the sum of twenty pounds (being the sum demanded by such action), being forfeited by an Act made and passed in the thirty-ninth year of the reign of his Majesty King George the Third, intituled An Act [here set forth the title of the Act], and the plaintiff, if he shall recover in any such action, shall have his full costs; and any pecuniary penalty imposed by this Act and not exceeding the sum of twenty pounds, and for the recovery whereof no provision is herein-before contained, shall and may be recovered before any justice or justices of the peace for the county, stewardry, riding, division, city, town or place, in which the same shall be incurred or the person having incurred the same shall happen to be, in a summary way; and in case such last mentioned penalty shall not be forthwith paid, such justice or justices shall, by warrant under his or their hand and seal or hands and seals, and directed to any constable or other peace officer, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had or made, such justice or



justices shall commit the offender to the common gaol or house of correction for such county, stewardry, riding, division, city, borough, town or place, there to remain without bail or mainprize for any time not exceeding six calendar months, nor less than three calendar months.

XXXVI. AND be it further enacted, that all pecuniary penalties and forfeitures imposed by this Act shall, when recovered either by action in any court or in a summary way before any justice, be applied and disposed of in manner herein-after mentioned; that is to say, one moiety thereof to the plaintiff in any such action or the informer before any justice, and the other moiety thereof to his Majesty, his heirs and successors.

Application of penalties.

XXXVII. AND be it further enacted, that every action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer or other person or persons, for any thing done or acted in pursuance of this Act, shall be commenced within three calendar months next after the fact committed and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action after appearance, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs; which he or they shall and may recover in such and the same manner as any defendant can by law in other cases. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Limitation of actions for things done pursuant to the Act.

General issue.

Double costs.

XXXVIII. AND be it further enacted, that convictions by any justice or justices of the peace for offences against this Act, and adjudications of forfeitures of licences to be made in pursuance of this Act, and notices and certificates delivered and granted in pursuance of this Act shall or may be in the several forms set forth for such purposes respectively in the schedule to this Act annexed.

Convictions, &c. to be in the forms in the annexed schedule.

\* \* \* \* \*

#### The SCHEDULE to which the annexed Act refers.

##### I: FORM of conviction of an unlawful combination and confederacy.

M } BE it remembered, that on this day of in the  
to wit. } year of the reign of A.B. of is duly  
convicted before me [or us], of his Majesty's justices of the peace  
for in pursuance of an Act of the thirty-ninth year of the reign  
of King George the Third [set forth the title of the Act], for that the said  
A.B. after the passing of the said Act, to wit, on the day of  
at did, contrary to the said Act, become a member of [or, as the  
case may be, act as a member of, or maintain correspondence or intercourse  
with, or by contribution of money or otherwise abet or support] a society

[describing the society], which society is an unlawful combination and confederacy within the intent and meaning of the said Act: Wherefore I [or we] the said do adjudge that he the said A.B. do pay [or be imprisoned] as a penalty for his offence, in pursuance of the said Act.

Given under my hand and seal [or our hands and seals] this  
 day of in the year of our Lord and in the  
 year of the reign of his Majesty King

## II. FORM of adjudicature of forfeiture of licence to sell ale, &c.

M } BE it remembered, that on this day in the  
 to wit. } year of the reign of his present Majesty, A.B. of  
 being a person licensed to sell [as the case may be], is duly  
 convicted before us, two of his Majesty's justices of the peace for the county  
 of in pursuance of an Act of the thirty-ninth year of the reign of  
 [set forth the title of the Act], for that he the said A.B. on  
 at did permit a meeting of a society [describing the  
 society], which is an unlawful combination and confederacy within the intent  
 and meaning of the said Act, to be held at being the house [as  
 the case may be] of the said A.B., wherein he the said A.B. is licensed to sell  
 [as the case may be]: Wherefore, we the said do adjudge and  
 declare that the licence [or licences, as the case may be] is [or are] for such  
 offence forfeited.

Given under our hands and seals, this day of in the  
 year of our Lord and in the year of the reign of  
 his Majesty King

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## CHAPTER CX.

AN ACT for the Augmentation of the Salaries of the Judges of the Courts in  
 Westminster Hall, and also of the Lords of Session, Lords Commissioners  
 of Justiciary and Barons of Exchequer in Scotland; and for enabling his  
 Majesty to grant Annuities to Persons in certain Offices in the said Courts  
 of Westminster Hall on their resignation of their respective Offices.

[12th July 1799.]

Preamble.

Most gracious Sovereign,  
 WHEREAS the salaries of the master of the Rolls, the chief baron of the Court of  
 Exchequer, the puisne judges in the Court of King's Bench, the puisne judges  
 in the Court of Common Pleas and the barons of the coif in the Court of Exchequer at  
 Westminster are inadequate to the dignity and importance of their offices, and it is  
 therefore expedient that a further augmentation should be made thereto, and that your  
 Majesty should be enabled to make proper provision from time to time for such persons  
 as shall have diligently and uprightly conducted themselves in the execution of the  
 office of chief justice of the King's Bench, master of the Rolls, chief justice of the  
 Common Pleas, chief baron of the Exchequer, the justices of the courts of King's  
 Bench and Common Pleas and barons of the coif in your Majesty's Court of Exchequer,  
 and for that purpose to grant annuities to the respective amounts and for the periods  
 herein-after mentioned to such officers respectively; and also to make a competent  
 and fitting provision for such persons as may hold the office of chancellor or keeper of  
 the great seal of Great Britain in the event of their quitting or being removed from

the said employment : We, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act there shall be issued, paid and payable out of and charged and chargeable upon the consolidated fund (after paying and reserving sufficient to pay all such sum and sums of money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon or payable out of the said fund), to the several persons herein-after mentioned, as an augmentation of their respective salaries, so much money as will make up their respective salaries and pecuniary profits belonging to their said respective offices to the annual sums herein-after mentioned ; to the master of the Rolls four thousand pounds, to the chief baron of the Court of Exchequer four thousand pounds, and to each of the puisne justices in the courts of King's Bench and Common Pleas, and to each of the barons of the coif in the Court of Exchequer three thousand pounds [Rep., Stat. Law Rev. Act, 1871] ; . . . . .

An augmentation to be made of the salaries of the master of the Rolls, &c., to be paid out of the consolidated fund, commencing Oct. 10, 1799.

\* \* \* \* \*

VI. AND be it further enacted, that it shall be lawful to and for the King's most excellent Majesty, his heirs and successors, by any letters patent under the great seal of Great Britain, to give and grant unto any person executing the office of lord high chancellor of Great Britain for the time being, or the office of keeper of the great seal of Great Britain, an annuity or yearly sum of money not exceeding the sum of four thousand pounds of lawful money of Great Britain, to commence and take effect immediately from and after the period whenever the person to whom such annuity or yearly sum of money shall be granted shall resign the said office of lord high chancellor or the office of keeper of the great seal of Great Britain, or be removed from the same respectively, and to continue from thenceforth for and during the natural life of the person to whom the same shall be granted as aforesaid ; and such annuity or yearly rent or sum shall be issued and payable out of and charged and chargeable upon the consolidated fund, next in order of payment to, and after paying or reserving sufficient to pay, the said annuities herein-before granted, and all such sum and sums of money as have been directed by any former Act or Acts as aforesaid, but with preference to all other payments hereafter to be charged thereon as aforesaid ; and the same shall from time to time be paid and payable quarterly, free and clear of all taxes and deductions whatsoever, at the four usual days of payment in the year, that is to say, the fifth day of January, the fifth day of April, the fifth day of July and the tenth day of October in each and every year, by even and equal portions, the first payment to be made on such of the said days as shall next happen after such resignation as aforesaid of the said office [Rep., Stat. Law Rev. Act, 1871] : . . . . .

His Majesty may grant to the lord chancellor or the keeper of the great seal an annuity of 4,000*l.*, to commence on resignation, payable quarterly out of the consolidated fund, free from taxes.

VII. AND be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by any letters patent under the great seal of Great Britain, to give and grant unto any person who may or shall have executed the office of chief justice of the Court of King's Bench and shall have resigned the same, an annuity or yearly sum of money not exceeding the sum of three thousand pounds ; and to any person who may or shall have executed the office of master of the Rolls, chief justice of the Common Pleas, or chief baron of the Exchequer, and who shall respectively have resigned the same, an annuity or yearly sum of money not exceeding the sum of two thousand five hundred pounds ; and to any person who may or shall have executed the office of puisne judge of the courts of King's Bench or Common Pleas, or of baron of the coif of the Court of Exchequer, and who shall have resigned the same, an annuity or yearly sum of money not exceeding the sum of two thousand pounds ; the said several last mentioned annuities to commence from and after the period when the person to whom any such annuity or yearly sum of money shall be granted as aforesaid shall have resigned his said office, and to continue from thenceforth for and during the natural life

His Majesty may grant certain annuities to the chief justice of the King's Bench, &c. on resignation, payable quarterly out of the consolidated fund, free from taxes.

No such grant to be valid unless the party shall have continued in office 15 years, or shall be unable to execute the office.

of the person to whom the same shall be granted as aforesaid; and every such annuity or yearly sum of money shall be issued and payable out of and charged and chargeable upon the consolidated fund, next in order of payment to and after paying or reserving sufficient to pay the said several annuities herein-before granted, and all such sum or sums of money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with like preference to all other payments as aforesaid; and the same shall from time to time be paid and payable quarterly, free and clear of all taxes and deductions whatever, on the four usual days of payment in the year before mentioned, in each and every year, by even and equal portions the first payment thereof to be made on such of the said days as shall next happen after such resignation as aforesaid of the person to whom any such annuity or yearly sum of money shall be granted: Provided always, that no such annuity or yearly sum of money granted to any person having executed the office of chief justice, master of the Rolls, chief baron, justice or baron of the coif of the said courts respectively shall be valid, unless such chief justice, master of the Rolls, chief baron, justice or baron respectively shall have continued in one or more of the said last mentioned offices for the period of fifteen years, or shall be afflicted with some permanent infirmity disabling him from the due execution of his office, which shall be distinctly recited in the said grant.

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### 39 & 40 GEORGE III. A.D. 1799-1800.

STATUTES MADE AT THE PARLIAMENT  
BEGUN AND HOLDEN AT WESTMINSTER, THE TWELFTH DAY OF JULY,  
A.D. 1796,  
IN THE THIRTY-SIXTH YEAR OF THE REIGN OF  
KING GEORGE THE THIRD,  
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS AND BY  
PROCLAMATION TO THE TWENTY-FOURTH DAY OF SEPTEMBER, A.D. 1799,  
BEING THE FOURTH SESSION OF THE EIGHTEENTH PARLIAMENT OF  
GREAT BRITAIN.

#### CHAPTER XIV.

AN ACT for empowering his Majesty to shorten the Time for the Meeting of Parliament in Cases of Adjournment. [12th October 1799.]

Preamble.  
37 Geo. 3. c. 127.

**W**HEREAS by an Act passed in the thirty-seventh year of the reign of his present Majesty provision is made for empowering his Majesty, his heirs and successors, to shorten the time required for giving notice of the meeting of Parliament for the dispatch of business in the case of a prorogation of Parliament: And whereas it is expedient that a like power should be given to his Majesty, his heirs and successors, in cases of the adjournment of Parliament: Be it therefore enacted by the King's most excellent Majesty, by and

with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where both Houses of Parliament shall stand adjourned for more than fourteen days from the day of the date of the proclamation herein-after mentioned, it shall and may be lawful for his Majesty, his heirs and successors, to issue his and their royal proclamation, by and with the advice of his and their privy council, thereby declaring that the said Parliament shall meet on a day, being not less than fourteen days from the day of the date of such proclamation, and the Houses of Parliament shall thereupon stand adjourned to the day and place declared in such proclamation, notwithstanding any previous adjournment of the Houses of Parliament to any longer day, and notwithstanding any former law, usage or custom to the contrary.

His Majesty may issue his royal proclamation for the meeting of Parliament in not less than 14 days, notwithstanding any previous adjournment to a longer day.

II. AND be it further enacted, that all and singular the order or orders which shall have been made by either House of Parliament, and appointed for the day to which such House of Parliament shall have been adjourned or to any day or days subsequent thereto, other than and except any order or orders that shall have been specially appointed for particular days by either House of Parliament and declared to be so fixed notwithstanding any meeting of Parliament under this Act, and also except any order or orders made under the provisions of any Act of Parliament, shall be deemed and taken to have been appointed for the day on which the Parliament shall meet in pursuance of such proclamation.

How in such case orders made by either House shall be deemed to have been appointed.

## CHAPTER XXVIII.

AN ACT for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of Three millions towards the Supply for the Service of the Year One thousand eight hundred.

[28th March 1800.]

Most gracious Sovereign,

**W**HEREAS by an Act of Parliament made in the seventh year of the reign of her late Majesty Queen Anne, intituled "An Act for enlarging the capital stock of the Bank of England, and for raising a further supply to her Majesty for the service of the year one thousand seven hundred and nine," it was declared and enacted, that the governor and company of the Bank of England, and their successors for ever, should continue and be one body corporate and politick, and should for ever have, receive and enjoy the entire yearly fund of one hundred thousand pounds therein mentioned, out of certain rates and duties of excise therein described, and such abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages as are therein expressed, subject nevertheless to a power and condition of redemption in that Act contained in that behalf; and it was thereby provided and enacted, that at any time, upon twelve months notice after the first day of August which should be in the year of our Lord one thousand seven hundred and thirty-two, and not before, and upon repayment by Parliament to the said governor and company of the Bank of England, or their successors, of the several sums amounting to one million six hundred thousand pounds therein mentioned, without any deduction, discount or abatement whatsoever to be made out of the said sum of one million six hundred thousand pounds or any part thereof, and upon payment to the said governor and company, and their successors, of all arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders or parliamentary funds, which the said governor and company or their successors should have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision was made in the

Preamble.

Recital of  
7 Ann. c. 30.

12 Ann. c. 11.

same Act only excepted), then and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine, as by the said Act (relation being thereunto had) may more plainly appear: And whereas by an Act of Parliament made in the twelfth year of her said late Majesty's reign, intituled "An Act to raise twelve hundred thousand pounds for publick uses, by circulating a further sum in Exchequer bills, and for enabling her Majesty to raise five hundred thousand pounds on the revenues appointed for uses of her civil government, to be applied for or towards payment of such debts and arrears owing to her servants, tradesmen and others, as are therein mentioned," the before recited proviso or condition for determining the said yearly fund of one hundred thousand pounds, upon twelve months notice after the said first day of August one thousand seven hundred and thirty-two, upon such payments as aforesaid, was thereby repealed and made void; and it was thereby provided and enacted, that at any time upon twelve months notice after the first day of August which should be in the year of our Lord one thousand seven hundred and forty-two, and not before, and upon repayment by Parliament to the said governor and company of the Bank of England, or their successors, of the said sum of sixteen hundred thousand pounds, without any deduction, discount or abatement whatsoever, and upon payment to the said governor and company and their successors of all arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing to them upon all such tallies, Exchequer orders or parliamentary funds, which the said governor and company or their successors should have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision is made in the said former Acts or any of them, or in the said recited Act, always excepted), then and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine; and it is also further provided and enacted, that from and after such redemption of the said one hundred thousand pounds per annum, and from and after redemption should be made by Parliament of the annuity of one hundred and six thousand five hundred and one pounds thirteen shillings and five-pence by the said recited Act of the seventh year of her said late Majesty's reign settled and payable to the said governor and company in the manner therein mentioned, and from and after redemption should likewise be made of the fund established by the said recited Act, in relation to the Exchequer bills therein mentioned, then and not till then the said corporation of the governor and company of the Bank of England should cease and determine; but till then, the said governor and company should continue a corporation, and should have and enjoy all the powers and privileges they were entitled to, as by the same Act (relation being thereunto had) may more fully appear: And whereas by an Act of Parliament made in the fifteenth year of the reign of his late Majesty King George the Second, intituled "An Act for establishing an agreement with the governor and company of the Bank of England for advancing the sum of one million six hundred thousand pounds, towards the supply for the service of the year one thousand seven hundred and forty-two," the said governor and company and their successors were directed to advance and pay into the receipt of his Majesty's Exchequer, for his Majesty's use, the full sum of one million six hundred thousand pounds, on or before such time and in such manner and under such conditions as in the said Act are mentioned; and it was thereby declared and enacted, that the several and respective provisos contained in the said Acts of the seventh and twelfth years of the reign of her late Majesty Queen Anne, and each of them, and all other provisos contained in any other Act or Acts of Parliament for determining the said fund of one hundred thousand pounds per annum and the said corporation of the governor and company of the Bank of England, upon the respective notices and payments in the same respective Acts mentioned, should be and were thereby repealed and made void; and that the said governor and company of the Bank of England, so enlarged as aforesaid, and their successors for ever, should remain, continue and be one body corporate and politick, by the name aforesaid, and should for ever have, receive and enjoy the said entire yearly fund of one hundred thousand pounds, out of the said rates and duties of excise, together with a perpetual succession and privilege of exclusive banking as therein-after was mentioned, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the governor and company of the Bank of England, before the making of the said Act, were entitled by the said Acts of the seventh and twelfth years of the reign of her said late Majesty Queen Anne or either of them, or by any other Act or Acts of Parliament, grants or charters whatsoever, then in force; all which were by the said Act ratified and confirmed to the said governor and

15 Geo. 2.  
[c. 13.]

company, and their successors, freed and discharged of and from the said provisoes and conditions of redemption thereby repealed or intended to be repealed as aforesaid, and all other provisoes, powers, acts, matters and things whatsoever, theretofore had, made, done or committed, for redeeming, determining or making void the said corporation, or yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages, or any of them; subject nevertheless to such restrictions, rules and directions, and also to such other agreements, matters and things, as in the said Acts and charters, or any of them then in force, were contained or prescribed, and also subject to the power and condition of redemption thereafter in the said Act contained in that behalf; and it was thereby also provided and enacted, that at any time, upon twelve months notice after the first day of August which should be in the year of our Lord one thousand seven hundred and sixty-four, and not before, and upon the repayment by Parliament to the said governor and company of the Bank of England or their successors, as well of the said sum of one million six hundred thousand pounds formerly advanced, as of the sum of one million six hundred thousand pounds before-mentioned then to be advanced, amounting in the whole to the sum of three millions two hundred thousand pounds, without any deduction, discount or abatement whatsoever to be made out of the said sum of three millions two hundred thousand pounds or any part thereof, and upon payment to the said governor and company and their successors of all the arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders, Exchequer bills or parliamentary funds, which the said governor and company, or their successors, should have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision was made in and by the Acts of Parliament therein mentioned always and only excepted), then and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine: And whereas by an Act of Parliament made in the fourth year of the reign of his present Majesty, intituled "An Act for 4 Geo. 3. c. 25.

"establishing an agreement with the governor and company of the Bank of England for  
 "raising certain sums of money towards the supply for the service of the year one thousand  
 "seven hundred and sixty-four, and for more effectually preventing the forging powers  
 "to transfer such stock or receive such dividends or annuities as are therein mentioned,  
 "and the fraudulent personating the owners thereof," it is recited, that the governor and company of the Bank of England were willing and contented to advance, towards the supply granted to his Majesty for the service of the year one thousand seven hundred and sixty-four, the sum of one million on Exchequer bills bearing interest, to be paid quarterly, and the said Exchequer bills to be charged upon and repaid out of the first aids or supplies which should be granted by Parliament for the service of the year one thousand seven hundred and sixty-six, and in case sufficient aids or supplies should not be granted for that purpose before the fifth day of April one thousand seven hundred and sixty-six, the same to be charged upon and repaid out of the sinking fund, and also to pay into his Majesty's Exchequer, towards the said supply, the sum of one hundred and ten thousand pounds, without any repayment of the principal or allowance of interest for the same, provided that the privilege of exclusive banking, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages in the said recited or any former Act contained should be granted and confirmed to the said governor and company, in such manner as in the said recited Act is mentioned; and it was by the said last recited Act (amongst other things) declared and enacted, that such part of the said recited provision contained in the said Act made in the fifteenth year of the reign of his late Majesty King George the Second as relates to the determining the said fund of one hundred thousand pounds per annum and the said corporation of the governor and company of the Bank of England, upon the notice and payments therein mentioned, should be and were thereby repealed and made void; and that the said governor and company of the Bank of England, and their successors for ever should remain, continue, and be one body corporate and politick, by the name aforesaid, and should for ever have, receive and enjoy, the said entire yearly fund of one hundred thousand pounds, out of the said rates and duties of excise, together with a perpetual succession and privilege of exclusive banking, as therein-after was mentioned, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the governor and company of the Bank of England,

21 Geo. 3. c. 60.

before the making of the said Act, were entitled by the said Acts of the seventh and twelfth years of the reign of her said late Majesty Queen Anne, and the said Act of the fifteenth year of the reign of his late Majesty King George the Second, or any of them, or by any other Act or Acts of Parliament, grants or charters whatsoever, then in force; all which were by the said Act ratified and confirmed to the said governor and company and their successors, freed and discharged of and from the said proviso and conditions of redemption thereby repealed or intended to be repealed as aforesaid, and all other provisos, powers, acts, matters and things whatsoever, theretofore had, made, done or committed, for redeeming, determining or making void the said corporation, or yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages, or any of them; subject nevertheless to such restrictions, rules and directions, and also to such other agreements, matters and things, as in the said Acts and charters, or any of them then in force, were contained or prescribed, and also subject to the power and condition thereafter in the said Act contained in that behalf; and it was thereby also provided and enacted, that at any time, upon twelve months notice after the first day of August which should be in the year of our Lord one thousand seven hundred and eighty-six, and not before, and upon repayment by Parliament to the said governor and company of the Bank of England or their successors of the said sum of three millions two hundred thousand pounds advanced by virtue of the said in part recited Acts, without any deduction, discount or abatement whatsoever to be made out of the said sum of three millions two hundred thousand pounds or any part thereof, and upon payment to the said governor and company and their successors of all the arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders, Exchequer bills or parliamentary funds, which the said governor and company or their successors shall have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision was made in and by the Acts of Parliament therein mentioned always and only excepted), then and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine: And whereas by an Act of Parliament made in the twenty-first year of the reign of his present Majesty, intituled "An Act for establishing an agreement with the governor and company of the Bank of England for advancing the sum of two millions, towards the supply for the service of the year one thousand seven hundred and eighty-one," it is recited that the said governor and company of the Bank of England were willing and contented to advance, towards the supply granted to his Majesty for the service of the year one thousand seven hundred and eighty-one, the sum of two millions, at the periods therein mentioned, on Exchequer bills bearing interest at the rate of three pounds per centum per annum, and the said Exchequer bills to be charged upon and repaid out of any of the aids or supplies which should be granted by Parliament for the service of the year one thousand seven hundred and eighty-four, and in case sufficient aids or supplies should not be granted for that purpose before the fifth day of April one thousand seven hundred and eighty-four, the same to be charged upon and repaid out of the sinking fund, provided that the privilege of exclusive banking, and all other the abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages, in any former Act contained, should be granted and confirmed to the said governor and company, in such manner as therein after mentioned; and it was by the said recited Act, amongst other things, declared and enacted, that such part of the said recited provision contained in the said Act made in the fourth year of the reign of his present Majesty as relates to the determining the said fund of one hundred thousand pounds per annum and the said corporation of the governor and company of the Bank of England, upon the notice and payments therein mentioned, should be and were thereby repealed and made void; and that the said governor and company of the Bank of England, and their successors for ever, should remain, continue and be one body corporate and politick, by the name aforesaid, and should for ever have, receive and enjoy the said entire yearly fund of one hundred thousand pounds, out of the said rates and duties of excise, together with a perpetual succession and privilege of exclusive banking, as therein after is mentioned, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the governor and company of the Bank of England were or before the making of the said recited Act



were entitled by the said Acts of the seventh and twelfth years of the reign of her said late Majesty Queen Anne, and the said Acts of the fifteenth year of the reign of his late Majesty King George the Second and of the fourth year of the reign of his present Majesty, or any of them, or by any other Act or Acts of Parliament, grants or charters whatsoever, then in force, or which were by the said Act ratified and confirmed to the said governor and company and their successors, freed and discharged of and from the said proviso and conditions of redemption thereby repealed or intended to be repealed as aforesaid, and all other provisos, powers, acts, matters and things whatsoever, theretofore had, made, done or committed, for redeeming, determining, or making void the said corporation, or yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages, or any of them; subject nevertheless to such restrictions, rules and directions, and also to such other agreements, matters and things, as in the said Acts and charters, or any of them in force, were contained or prescribed, and also subject to the power and condition of redemption therein after contained in that behalf: And it was thereby provided and enacted, that at any time, upon twelve months notice after the first day of August which should be in the year of our Lord one thousand eight hundred and twelve, and not before, and upon repayment by Parliament to the said governor and company of the bank of England or their successors of the said sum of three millions two hundred thousand pounds advanced by virtue of the said in part recited Acts, without any deduction, discount or abatement whatsoever to be made out of the said sum of three millions two hundred thousand pounds or any part thereof, and upon payment to the said governor and company and their successors of all the arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders, Exchequer bills or parliamentary funds, which the said governor and company or their successors should have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid, such funds for redemption whereof other provision is made in and by the Acts of Parliament therein mentioned always and only excepted, then and in such case, and not till then, the said yearly fund of one hundred thousand pounds shall cease and determine; and to prevent any doubts that might arise concerning the privilege or power given by former Acts of Parliament to the said governor and company of exclusive banking, and also in regard to the erecting any other bank or banks by Parliament, or restraining other persons from banking during the continuance of the said privilege granted to the governor and company of the Bank of England, as therein before recited, it was by the said recited Act further enacted and declared, that it was the true intent and meaning of the same Act that no other bank should be erected, established or allowed by Parliament; and that it should not be lawful for any body politick or corporate whatsoever, erected or to be erected, or for any other persons, united or to be united in covenants or partnership, exceeding the number of six persons, in that part of Great Britain called England, to borrow, owe or take up any sum or sums of money on their bills or notes, payable at demand, or at any less time than six months from the borrowing thereof, during the continuance of such said privilege to the said governor and company, who were thereby declared to be and remain a corporation, with the privilege of exclusive banking, as before recited, subject to redemption on the terms and conditions before mentioned; (that is to say,) on one year's notice after the first day of August one thousand eight hundred and twelve, and repayment of the three millions two hundred thousand pounds, and all arrears of the one hundred thousand pounds per annum, and all the principal and interest money that should be owing them on all such tallies, Exchequer orders, Exchequer bills or parliamentary funds (such funds as were before mentioned only and always excepted), which the said governor and company or their successors should have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid, and not otherwise, any thing in the said recited Act or any former Act or Acts of Parliament to the contrary in anywise notwithstanding: And whereas the said governor and company of the Bank of England are willing and contented to advance, towards the supply granted to your Majesty for the service of the year one thousand eight hundred, the sum of three millions, on or before the fifth day of April one thousand eight hundred, on the security of Exchequer bills, to bear date the said fifth day of April one thousand eight hundred, and to be made payable without interest, and to be charged and chargeable upon and repaid out of the first aids or supplies which shall be granted by Parliament for the service of the year one thousand eight

The Bank are willing to advance three millions for the service of the present year;

provided their  
exclusive privi-  
lege of bank-  
ing, &c. be  
confirmed.

hundred and six, and in case sufficient aids or supplies shall not be granted by Parliament for that purpose before the fifth day of April one thousand eight hundred and six, the same to be charged and chargeable upon and repaid out of the consolidated fund, provided that the said governor and company shall have the option of being repaid the said sum of three millions at any time before the expiration of the term of six years, to be computed from the said fifth day of April one thousand eight hundred, in case the price of the three per centum consolidated annuities shall be eighty pounds per centum or more, upon giving six month's notice for that purpose to the lord high treasurer, or to the lords commissioners for executing the office of lord high treasurer of Great Britain for the time being, and upon such repayment the said governor and company shall deduct or allow a discount to the publick at and after the rate of five pounds per centum per annum on the sum repaid, for such part of the said term of six years as shall then remain unexpired, and that in consideration of the said advance of three millions in the manner, for the period and upon the terms above-mentioned, the said governor and company be continued a corporation with the sole power and privilege of exclusive banking, and all other the abilities, capacities, powers, authorities, franchises, immunities, exemptions, privileges, profits, emoluments, benefits and advantages which they now have, possess or enjoy, by virtue or in pursuance of their charter or of any former Act or Acts of Parliament, or of any employment by or on behalf of the publick, be granted and confirmed to the said governor and company in such manner as is herein-after mentioned: Now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in Parliament assembled, being desirous to raise with as much ease and advantage as possible to your subjects the necessary supplies, and to encourage the said governor and company to advance the said sum of three millions, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the commissioners of his Majesty's Treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of April one thousand eight hundred, to cause or direct any number of Exchequer bills to be made out for any sum or sums of money, not exceeding in the whole the sum of three millions, in the same or like manner, form and order, and according to the same or like rules and directions, as in and by an Act of this present session of Parliament, intituled "An Act for continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand eight hundred," are enacted and prescribed concerning the Exchequer bills to be made in pursuance of the said Act. [Rep., Stat. Law Rev. Act, 1871.]

Commissioners  
of the Treasury  
empowered to  
make out  
Exchequer bills  
for 3,000,000l.  
before April  
5, 1800.

Such part of the  
Act 21 Geo. 3.  
c. 60. as  
relates to the  
determining the  
corporation of  
the Bank, &c.  
repealed;

and the Bank  
to remain a  
body corporate,  
&c., and to  
enjoy an ex-  
clusive privi-  
lege of bank-  
ing, &c.

XIII. AND for the encouragement of the said governor and company of the Bank of England and their successors to exchange and circulate the said Exchequer bills, in the manner and during the time herein-before mentioned, and to the end that the said governor and company and their successors may have a competent recompence and consideration for so doing, it is hereby declared and enacted, that such part of the said recited provision contained in the said Act, made in the twenty-first year of the reign of his present Majesty as relates to the determining the said fund of one hundred thousand pounds per annum and the said corporation of the governor and company of the Bank of England, upon the notice and payments therein mentioned, shall be and is hereby repealed and made void [Rep., Stat. Law Rev. Act, 1871]; and that the said governor and company of the Bank of England and their successors for ever shall remain, continue and be one body corporate and politick, by the name aforesaid, and shall for ever have, receive and enjoy the said entire yearly fund of one hundred thousand pounds out of the said rates and duties of excise, together with a perpetual succession and privilege of exclusive banking, as herein-after is mentioned, and all other abilities, capacities, powers, authorities, franchises, immunities, exemptions, privileges, profits, emoluments, benefits and advantages whatsoever, which the governor and company of the Bank of England now have, possess or enjoy, or whereunto they are, or before

the making of this Act were entitled by the said Acts of the seventh and twelfth years of the reign of her late Majesty Queen Anne, and the said Acts of the fifteenth year of the reign of his late Majesty King George the Second and of the fourth and twenty-first years of the reign of his present Majesty, or any of them, or by any other Act or Acts of Parliament, grants or charters whatsoever now in force, or by virtue of any employment by or on behalf of the publick ; all which are by this Act ratified and confirmed to the said governor and company and their successors, freed and discharged of and from the said proviso and conditions of redemption hereby repealed or intended to be repealed as aforesaid, and all other provisoes, powers, acts, matters and things whatsoever heretofore had, made, done or committed, for redeeming, determining or making void the said corporation or the said yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, immunities, exemptions, privileges, profits, emoluments, benefits and advantages, or any of them ; subject nevertheless to such restrictions, rules and directions, and also to such other agreements, matters and things, as in the said Acts and charters or any of them now in force are contained or prescribed, and also subject to the power and condition of redemption herein-after in this Act contained in this behalf.

as under Acts  
7 Ann. c. 30.  
12 Ann.  
c. 11.  
15 Geo. 2.  
[c. 13.]  
4 Geo. 3.  
c. 25.  
21 Geo. 3.  
c. 60.

XIV. AND whereas there is due from the publick to the said governor and company of the Bank of England, not only the said sum of three millions two hundred thousand pounds advanced by virtue of the said in part recited Acts, but also the further sum of eight millions four hundred and eighty-six thousand and eight hundred pounds, which, together with the interest or annuities payable thereon or in respect thereof, are secured to the said governor and company and their successors in manner following ; (that is to say,) the sum of five hundred thousand pounds (part of two millions secured and remaining due to the said governor and company under and by virtue of an Act of Parliament made in the third year of the reign of his Majesty King George the First, intituled "An Act for redeeming several funds of the governor and company of the Bank of England, pursuant to former provisoes of redemption, and for securing to them several new funds and allowances redeemable by Parliament, and for obliging them to advance further sums not exceeding two millions five hundred thousand pounds at five pounds per centum, as shall be found necessary, to be employed in lessening the national debts and incumbrances, and for continuing certain provisions formerly made for the expences of his Majesty's civil government, and for payment of annuities formerly purchased at the rate of five pounds per centum, and for other purposes in this Act mentioned ;" the further sum of four millions secured to the said governor and company under and by virtue of another Act of Parliament made in the eighth year of the reign of his said Majesty King George the First, intituled "An Act to enable the South Sea Company to dispose of the effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity, payable at the exchequer, in order to pay the debts of the said company, and for relief of such who are intended to have the benefit of a late Act touching payment of ten per centum therein mentioned;" the further sum of one

Recital that  
8,486,800*l.* is  
due to the Bank  
under Acts

3 Geo. 1.  
[c. 8.]

8 Geo. 1.  
[c. 21.]

1 Geo. 2.  
Stat. 2. [c. 8.]

2 Geo. 2.  
[c. 3.]

and 19 Geo. 2.  
[c. 6.]

At any time,  
upon 12  
months notice  
after Aug. 1,  
1833, and  
repayment  
of the said  
8,200,000*l.*, and  
all arrears of  
the said  
100,000*l.* per  
annum,  
and the said  
8,486,800*l.*, &c.,

the said yearly  
fund of  
100,000*l.* shall  
cease.

No other bank  
shall be erected  
by Parliament  
during the con-  
tinuance of the  
said privilege ;

million seven hundred and fifty thousand pounds secured to the said governor and company under and by virtue of another Act of Parliament made in the first year of the reign of his late Majesty King George the Second, intituled “ An Act for granting an aid to his Majesty by sale of annuities to the Bank of England at four pounds per centum, redeemable by Parliament, and charged upon the duties on coals and culm, and for further applying the produce of the sinking fund, and for enlarging the time for exchanging Nevis and Saint Christopher’s debentures for annuities at three per centum, and for applying the arrears of his late Majesty’s civil list revenues ;” the further sum of one million two hundred and fifty thousand pounds secured to the said governor and company under and by virtue of another Act of Parliament made in the second year of the reign of his said late Majesty, intituled “ An Act for raising the sum of one million two hundred and fifty thousand pounds by sale of annuities to the Bank of England after the rate of four pounds per centum per annum, redeemable by Parliament, and for applying the produce of the sinking fund ;” and the further sum of nine hundred and eighty-six thousand eight hundred pounds, secured to the said governor and company under and by virtue of another Act of Parliament made in the nineteenth year of the reign of his said late Majesty, intituled “ An Act for establishing an agreement with the governor and company of the Bank of England for cancelling certain Exchequer bills upon the terms therein mentioned, and for obliging them to advance the sum of one million upon the credit of the land tax and malt duties granted to his Majesty for the service of the year one thousand seven hundred and forty-six :” Be it enacted, that at any time upon twelve months notice to be given after the first day of August which shall be in the year of our Lord one thousand eight hundred and thirty-three, and not before, and upon repayment by Parliament to the said governor and company or their successors of the said sum of three millions two hundred thousand pounds, without any deduction, discount or abatement whatsoever, and upon payment to the said governor and company and their successors of all arrears of the said one hundred thousand pounds per annum, and also upon repayment by Parliament to the said governor and company or their successors of the said further sum of eight millions four hundred and eighty-six thousand and eight hundred pounds, together with the interest or annuities payable thereon or in respect thereof, and also upon repayment of all the principal money and interest which shall be owing unto the said governor and company and their successors upon all such tallies, Exchequer orders, Exchequer bills or parliamentary funds which the said governor and company or their successors shall have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid, then and in such case, and not till then, the said yearly fund of one hundred thousand pounds shall cease and determine.

XV. AND to prevent any doubts that may arise concerning the privilege or power given by former Acts of Parliament to the said governor and company of exclusive banking, and also in regard to the erecting any other bank or banks by Parliament, or restraining other persons from banking during the continuance of the said privilege granted to the governor and company of the Bank of England as before recited, it is hereby further enacted and declared,

that it is the true intent and meaning of this Act that no other bank shall be erected, established or allowed by Parliament; and that it shall not be lawful for any body politick or corporate whatsoever erected or to be erected, or for any other persons united or to be united in covenants or partnership exceeding the number of six persons, in that part of Great Britain called England, to borrow, owe or take up any sum or sums of money on their bills or notes, payable on demand or at any less time than six months from the borrowing thereof, during the continuance of the said privilege to the said governor and company; who are hereby declared to be and remain a corporation, with the privilege of exclusive banking as before recited, subject to redemption on the terms and conditions before-mentioned; (that is to say,) on one year's notice to be given after the first day of August one thousand eight hundred and thirty-three, and repayment of the said sum of three millions two hundred thousand pounds, and all arrears of the said one hundred thousand pounds per annum, and also upon repayment of the said sum of eight millions four hundred and eighty-six thousand and eight hundred pounds, and the interest or annuities payable thereon or in respect thereof, and all the principal and interest money that shall be owing on all such tallies, Exchequer orders, Exchequer bills, parliamentary funds or other government securities which the said governor and company or their successors shall have remaining in their hands or be entitled to at the time of such notice to be given as aforesaid, and not otherwise, any thing in this Act or any former Act or Acts of Parliament to the contrary in anywise notwithstanding.

nor shall any number of bankers in partnership exceeding six be allowed.

Conditions of redemption.

XVI. AND it is hereby further enacted and declared, that any vote or resolution of the House of Commons signified by the speaker of the said house in writing, and delivered at the publick office of the said governor and company or their successors, shall be deemed and adjudged to be a sufficient notice within the words or meaning of this Act, any thing herein contained to the contrary notwithstanding.

What shall be deemed a sufficient notice.

XVII. AND be it further enacted, that this Act shall be deemed, adjudged and taken to be a publick Act, and judicially taken notice of by all judges, justices or other persons whatsoever, without specially pleading the same.

Publick Act.

## CHAPTER XXXVI.

AN ACT to enable Courts of Equity to compel a transfer of Stock in Suits, without making the Governor and Company of the Bank of England, or the United Company of Merchants of England trading to the East Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other parts of America, party thereto.

[1st May 1800.]

WHEREAS great expence arises in suits in courts of equity from the practice of making the governor and company of the Bank of England parties thereto for the mere purpose of compelling or authorizing the said corporation to suffer any transfer of stock standing in their books to be made which justice may require: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and

Preamble.

Any court of equity may order the Bank of England to suffer a transfer of stock to be made, or to pay dividends, belonging to or standing in the names of any party to a suit, or issue an injunction to restrain such transfer or payment, although the Bank be not a party, &c.

On request of the clerk in court and the solicitor of the party, the Bank shall deliver a certificate stating the amount of such stock or dividends, &c., for which the fees herein specified shall be paid.

Act not to extend to any further discovery than herein mentioned, nor to any case where the Bank claim an interest in the fund, &c.

commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any of his Majesty's courts of equity, before or upon hearing any cause depending therein, to order the governor and company of the Bank of England to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon, belonging to or standing in the names of any party to a suit, as such courts may deem just, or to issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest accruing or accrued thereon, although such governor and company are not parties to the suit in which such decree or order shall be made, such courts being satisfied by the certificate of the accountant of the said corporation, duly signed by him as herein-after is directed, that the stock required to be transferred is standing in their books in the name of the persons or person required to transfer the same, or of the persons or person to whom they or he are or is the legal representative; and that after due service of a short order upon the said governor and company or their proper officer, which shall contain no recital of their pleadings, or other matter than the title of the cause and the ordering part of such decree or order which respects the said governor and company, and for which the sum of eighteen shillings and no more shall be paid, like process shall issue to enforce such order or decree as to enforce them against any party to a suit depending in such court.

II. AND for the better enabling any party to a suit to obtain and produce such certificate in court, be it enacted, that upon request in writing signed by the clerk in court (or other officer answering thereto) and the solicitor concerned in the cause for the party applying, which shall state the cause and for what parties they are concerned, the governor and company of the Bank of England shall deliver or cause to be delivered to the said clerk in court or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amount of such stock or dividends and in whose names or name such stock is standing in their books, and if it be particularly required (but not otherwise) when such stock or any part thereof was transferred, and by whom; for the signing of which request in writing there shall be paid to such clerk in court or other officer a fee of six shillings and eight-pence and no more, and to such solicitor for the drawing, copying and delivering at the Bank, a fee of thirteen shillings and four-pence and no more, and to the officer making out and delivering such certificate a fee of two shillings and sixpence and no more: Provided nevertheless that nothing herein contained shall extend to any case where any further discovery is wanted than what is herein-before expressly mentioned, nor to any case where the said governor and company claim any interest in or lien upon the said fund, but that in such cases it shall be necessary to make them a party to such suit as if this Act had never been made; and that if any special matter shall arise which in the opinion of the said governor and company shall affect their interests, or which might be objected against suffering such transfer of stock or payment of dividends, it shall be lawful for them to state such matter to the court by motion or petition in such suit, and that execution of process to compel such transfer or payment shall be suspended until final order shall be made thereon.

\* \* \* \* \*

IV. [¶] AND be it further enacted, that all the several regulations and provisions herein-before enacted shall extend mutatis mutandis to every case where the united company of merchants of England trading to the East Indies, or the governor and company of merchants of Great Britain trading to the South Seas or other parts of America, have any stock standing in the books of such respective corporations which may now be or hereafter may become the subject of any suit in equity or incidental thereto, saving to the said corporations respectively the like right of being made a party, or applying by motion or petition in such suits, as is before reserved or given to the governor and company of the Bank of England.

The provisions aforesaid shall extend to the East India Company where they have stock standing in their books which may become the subject of a suit in equity.

## CHAPTER XLI.

AN ACT for explaining and amending several Acts made in the Thirty-second Year of King Henry the Eighth, and the First, Thirteenth and Fourteenth Years of the Reign of Queen Elizabeth, so far as respects Leases granted by Archbishops, Bishops, Masters and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others having any Spiritual or Ecclesiastical Living or Promotion.

[16th May 1800.]

WHEREAS doubts have arisen whether archbishops, bishops, masters and fellows of colleges, deans and chapters of cathedral and collegiate churches, masters and guardians of hospitals, and others having any spiritual or ecclesiastical living or promotion, who are by several Acts passed in the reigns of their late Majesties King Henry the Eighth and Queen Elizabeth restrained from granting any leases of their estates whereon the accustomed yearly rent is not reserved, can lawfully grant separate leases of parts of lands or tenements which have been usually demised by one lease and under one rent, reserving on the several parts so demised less than the rent anciently reserved on the demise of the whole, though the aggregate amount of the rents so reserved on such separate demises should be equal to or exceed the amount of the annual accustomed rent for the whole: And whereas many such separate leases have been granted, and great inconvenience may arise to persons claiming under such leases, if such leases should not be deemed valid and effectual in case the amount of the rent anciently reserved on demises of the whole shall appear to have been reserved on the separate demises of the different parts; and the power of dividing tenements anciently so demised in one parcel at one rent may in many cases tend to improve the value of the estates belonging to such ecclesiastical persons and bodies respectively, as well as to the benefit of their lessees and the publick: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where any honours, castles, manors,

Preamble.

Where any part of the pos-

[\* Rep., so far as relates to the South Sea Company, Stat. Law Rev. Act, 1871.]

sessions of any archbishop, &c., or person having any ecclesiastical living, shall be demised by several leases which was formerly demised by one, or where a part shall be demised for less than the ancient rent and the residue shall be retained in the possession of the lessor, the several rents reserved on the separate demises of the specific parts shall be taken to be the ancient rents within the meaning of 32 Hen. 8. c. 28., 1 Eliz. c. 19., 18 Eliz. c. 10., and 14 Eliz. c. 11.

messuages, lands, tythes, tenements or other hereditaments, being parcel of the possessions of any archbishop, bishop, master and fellows, dean and chapter, master or guardian of any hospital, or any other person or persons or body or bodies politick or corporate having any spiritual or ecclesiastical living or promotion, and having been anciently or accustomedly demised by one lease under one rent or divers rents issuing out of the whole, now are or shall hereafter be demised by several leases to one or several persons under an apportioned or several rents, or where a part only of such honours, manors, messuages, lands, tythes, tenements or other hereditaments as last mentioned are or shall be demised by a separate lease or leases, under a less rent or less rents than was or were accustomedly reserved for the whole by such former lease, and the residue thereof is or shall be retained in the possession or occupation of the lessor or lessors, the several and distinct rents reserved on the separate demises of the several specifick parts thereof comprized in and demised by such several leases shall be deemed and taken to be the ancient and accustomed rents for such specifick parts respectively, within the intent and meaning of an Act passed in the thirty-second year of the reign of his late Majesty King Henry the Eighth, intituled "Lessees to enjoy the farm against the tenants in tail;" and of an Act passed in the first year of the reign of her late Majesty Queen Elizabeth, intituled "An Act giving authority to the Queen's Majesty upon the avoidance of any archbishop or bishop to take into her hands certain of the temporal possessions thereof, recompensing the same with parsonages impropriate and tythes;" and of another Act passed in the thirteenth year of the same queen, intituled "Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidations shall be void, &c.;" and of another Act passed in the fourteenth year of the reign of the same queen, intituled "An Act for the continuation, explanation, perfecting and enlarging of divers statutes."

Demise made before passing this Act not valid unless the rents reserved be equal to or more than the rents accustomedly reserved, &c.

II. PROVIDED always, that nothing herein contained shall extend to confirm or render valid any demise made before the passing of this Act, unless the several rents reserved upon the separate demises of separate parts of tenements, theretofore accustomedly demised under one entire lease, shall be equal to or more than the rent or rents theretofore accustomedly reserved on the entire demise of the whole; or in case the whole should not be demised, but part reserved in the possession of the lessor or lessors, unless the rents reserved on the parts demised should be so far equal to or more than the whole amount of the ancient rent or rents, that the part not demised should be sufficient to answer the difference.

Where the whole of such premises shall hereafter be demised in parts, the aggregate rents reserved shall not be less than the old accustomed rent, and so in proportion where a part shall be

III. PROVIDED also, that where the whole of any such honours, castles, manors, messuages, lands, tythes, tenements or other hereditaments, accustomedly demised by one lease, shall be demised in parts by several leases after the passing of this Act, the aggregate amount of the several rents which shall be reserved by such separate leases be not less than the old accustomed rent or rents theretofore reserved by such entire lease; and that where a part only shall be so demised by any such separate lease, and the residue shall be retained in the possession of the lessor or lessors, the rent or rents to be reserved by such separate lease or leases shall not be less, in proportion to the fine or fines to be received on granting such lease or leases, than the rent or



rents accustomed to be reserved for the whole of the said premises was, in proportion to the fine received on granting the last entire lease.

IV. PROVIDED also, that no greater proportion of the accustomed rent be reserved by any separate lease hereby confirmed or allowed to be granted, than the part of the premises thereby severally demised will reasonably bear and afford a competent security for.

V. PROVIDED also, that where any specifick thing incapable of division or apportionment shall have been reserved or made payable to the lessor or lessors, his or their heirs or successors, either by way of rent or by any covenant or agreement contained in any such entire lease, the same may be wholly reserved and made payable out of a competent part of such lands or tenements demised by any such several lease as aforesaid; and in case in any lease already granted and intended hereby to be confirmed any such provision shall appear to have been made or the payment and delivery of any such sum or sums of money, stipends, augmentations or other things as aforesaid, the same shall be deemed and taken to have been lawfully made, in case the lands and tenements charged therewith shall be of a greater annual value than the payment or other things so charged, exclusive of the rent or other annual payment reserved to the lessor or lessors.

VI. PROVIDED further, that nothing herein contained shall extend to authorize or confirm any lease whereon no annual rent is or shall be reserved to the lessor or lessors, his or their successors or assigns.

VII. PROVIDED also, and be it further enacted, that this Act or any thing herein contained shall not authorize the reservation or payment of any rent or rents upon any such several lease made or to be made under authority of this Act by any master, provost, president, warden, dean, governor, rector or chief ruler of any college, cathedral church, hall or house of learning in the universities of Oxford and Cambridge, or by the warden or other head officer of the colleges of Winchester and Eaton, in any other manner or proportions than is required by an Act passed in the eighteenth year of the reign of her said late Majesty Queen Elizabeth, intituled "An Act for maintenance of the colleges in the universities and of Winchester and Eaton."

VIII. PROVIDED also, that where any such accustomed entire leases as aforesaid shall have usually contained covenants on the part of the lessee or lessees for the payment or delivery, or shall have in any other manner subjected or charged such lessee or lessees to or with the payment or delivery, of any sum or sums of money, stipend, augmentation or other thing, to or for the use of any vicar, curate, schoolmaster or other person or persons, other than and besides the lessor or lessors and his or their heirs or successors, all or any such leases as shall hereafter be granted of the same lands or tenements in severalty as aforesaid shall and may lawfully provide for the future payment and delivery of such sum or sums of money, stipends, augmentations or other things, by and out of any part or parts of the lands or tenements accustomedly charged therewith, not being of less annual value than three times the amount of the payment so to be charged thereon, exclusive of the proportion of rent or other annual payments to be reserved to the lessor or lessors.

IX. PROVIDED always, that nothing in this Act shall extend to establish or confirm the claim of any vicar, curate, schoolmaster or other person or persons,

retained in possession by the lessor.

No greater proportion of the accustomed rent shall be reserved by any separate lease than the premises demised will bear.

Where any specifick thing shall have been reserved by the lessor, it may be a charge on the premises demised, &c.

This Act not to authorize any lease whereon no annual rent to the lessor is reserved; nor the reservation of any rent on any several lease made by a master, &c. of any college in the universities, &c. in any other manner than is required by 18 Eliz. c. 6.

Where payments have been reserved to vicars, &c. other than the lessors, provision shall be made in leases in severalty for the future payment thereof out of part of the premises being of an annual value of three times the amount of the payment.

This Act not to confirm the claim of

any vicar, &c. to such payment, where it depends only on the will of the person granting or renewing the lease.

Persons who hold leases in trust, or have granted under-leases of specific parts with covenants for renewal, may surrender them, that separate leases may be granted by the original lessors to the cestuique trusts or under lessees on reasonable terms, subject to the accustomed rent, &c.

to any such sum or sums, salary, stipend or other thing as aforesaid, the payment and continuance whereof shall depend only on the will of the person or persons or body or bodies politick or corporate granting or renewing such lease or leases respectively.

X. AND be it further enacted, that where any person or persons now holding or who shall hereafter hold any such lease or leases as in this Act mentioned, shall or may hold the same, or any specific part of the lands or tenements thereby demised, in trust for any other person or persons or for any body or bodies politick or corporate, or shall have granted any under lease or under leases of any specific part or parts of his, her or their respective holdings, and be under any covenant or engagement for renewal thereof to any other person or persons, body or bodies politick or corporate, when and as often as his, her or their own lease or leases shall be renewed, it shall and may be lawful for such person or persons as first mentioned, at any time or times after the passing of this Act, to surrender his, her or their lease or leases, in order that separate and distinct leases may be granted by the original lessor or lessors of such specific parts of the same premises as shall have been held in trust or subject to such covenants or engagements for renewal as aforesaid, to the respective under lessees and cestuique trusts, upon fair and reasonable terms, subject to an apportionment of the accustomed rent or rents and other payments, according to the intent and meaning of this Act; and every such surrender so made, and the new leases to be granted thereon according to the intent and meaning of this Act, shall be good and effectual in law and equity, notwithstanding such under lessees and cestuique trusts, or any of them, shall or may be infants, issue unborn, femmes covert, persons absent from the realm, or otherwise incapacitated to act for themselves; provided that such new leases respectively be for the benefit of the several persons entitled to the benefit of such surrendered lease or leases respectively, and be expressly so declared in the body of each such new leases respectively.

## CHAPTER XLII.

AN ACT for the better Observance of Good Friday in certain cases therein mentioned. [16th May 1800.]

Preamble.

WHEREAS the Bank of England and bankers in general are often under the necessity of transacting business on Good Friday for the purpose of receiving money for bills of exchange and promissory notes becoming payable on that day, in consequence whereof many persons are prevented observing the same with due solemnity: Now therefore, for the better observance of Good Friday, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present Parliament assembled, and by the authority of the same, that where bills of exchange and promissory notes become due and payable on Good Friday, the same shall, from and after the first day of June next ensuing, be payable on the day before Good Friday; and the holder or holders of such bills of exchange or promissory notes may note and protest the same for non-payment on the day preceding Good Friday, in like manner as if the same had fallen due and become payable on the day preceding Good

Where bills of exchange and promissory notes become payable on Good Friday, the same shall be payable on the day before, and

Friday ; and such noting and protests shall have the same effect and operation at law as if such bills and promissory notes had fallen due and become payable on the day preceding Good Friday, in the same manner as is usual in the cases of bills of exchange and promissory notes coming due on the day before any Lord's day, commonly called Sunday, and before the Feast of the Nativity or birth day of our Lord, commonly called Christmas Day.

the holders thereof may protest the same for non-payment on such preceding day.

#### CHAPTER LIV.

AN ACT for more effectually charging Publick Accountants with the Payment of Interest, for allowing Interest to them in certain Cases, and for compelling the Payment of Balances due from them. [20th June 1800.]

**W**HEREAS it is expedient to provide more effectually in certain cases Preamble.

for charging publick accountants with the payment of interest upon publick monies received by and due from them : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where any person employed in the collection or receipt of any part of his Majesty's revenues shall, from and after the passing of this Act, die or go out of office, being indebted to his Majesty at that time in respect of his said office to the amount of five hundred pounds or upwards, the proper officer or officers, to whom it does or may belong by law to ascertain the balance due to his Majesty and demandable from such person or his lawful representative or representatives, shall compute interest after the rate of five pounds per centum per annum upon the whole of such balance, from three months next after the time of such person going out of office, or from twelve months next after the death of such person (as the case may be), unto the day of ascertaining such balance ; and the said officer or officers shall thereupon forthwith cause a notice in writing to be given to such person or his lawful representative or representatives, or his or their agent, specifying the amount of such balance and also of such charge for interest, the total amount of which said balance and interest shall and may be sued for and recovered by such process and in such manner as any other debt due to his Majesty, together with interest thereon, to be computed in such manner as herein-after directed : Provided nevertheless, that if such accounting party or his representative or representatives shall think himself or themselves aggrieved by such charge for interest, it shall and may be lawful for him or them to apply (within six months from receiving such notice) to his Majesty's Court of Exchequer at Westminster, by motion in open court ; which court shall proceed to hear and determine the said matter, and allow or disallow the said charge for interest in the whole or in part, as to the said court shall seem just and reasonable : Provided also, that no such proceeding touching such charge for interest shall prevent or delay the suing for or recovering the balance aforesaid, exclusive of such interest, in such manner as the same might heretofore have been sued for or recovered.

Where publick accountants die or go out of office indebted to his Majesty to the amount of 500*l.* or upwards, the proper officer shall compute interest on the balance, and give the party or his representative notice of the amount of both.

Parties thinking themselves aggrieved by charge of interest may within six months apply to the Court of Exchequer ; but no such proceeding shall prevent the recovery of balances exclusive of interest.

II. AND be it further enacted, that in case the said person or persons shall nevertheless neglect to apply within the said period of six months to the said

If the party does not apply or the charge

for interest be allowed by the court, interest shall be charged upon the interest for the intermediate period.

Court of Exchequer in manner aforesaid, or if upon application to the said court the said charge for interest or any part thereof shall be allowed by the said Court of Exchequer, thereupon the aforesaid officer or officers, to whom it does or may belong by law to ascertain the said original balance, shall, from and after the expiration of the said period of six months, or upon the determination of the said court (as the case may be), proceed to compute a further sum, at the rate of five pounds per centum per annum, for interest upon the amount of the said charge for interest, or upon so much thereof as shall have been allowed by the said court, from the time when the said balance was so ascertained as aforesaid until the expiration of the said period of six months (in case no application shall have been made within that time to the said Court of Exchequer), or until such application shall have been finally disposed of by the said court (as the case may be); which said further sum so computed for intermediate interest shall be added to the amount of the said charge for interest (or so much thereof as shall have been allowed by the said court), and shall together therewith become a debt due to his Majesty, his heirs and successors, to be sued for and recovered accordingly.

The aggregate amount of the original balance and of the interest shall bear interest till paid; and if the balance has been paid, the aggregate of the interest and of the further interest shall bear interest.

III. AND be it further enacted, that the aggregate amount of the said original balance so ascertained as aforesaid, and of the charge for interest thereon, shall bear interest after the rate of five pounds per centum per annum, from the time when the said balance was so ascertained as aforesaid, until the same shall have been paid by or recovered from the said accounting party or his lawful representative or representatives; and in case the said balance shall have been paid, then and in that case the aggregate amount of the said charge for interest, or so much thereof as shall have been allowed by the said court, and of the further interest thereon so directed to be computed and added thereto as aforesaid, shall in like manner bear interest at the rate of five pounds per centum per annum, from the expiration of the said period of six months or determination of the said Court of Exchequer, until the same shall have been paid by or recovered from the said party or his lawful representative or representatives; the amount of which growing interest shall in either case be deemed a debt due to his Majesty, his heirs and successors, and shall and may be sued for and recovered accordingly.

The commissioners for auditing publick accounts, where an accountant owes a balance of 500*l.* or upwards (accounts current excepted), may charge interest, and shall cause notice to be given to the party or his representative of the amount of the balance, and of the interest, and of the grounds for charging it; and shall state the same in the account. The Treasury shall proceed to

IV. AND be it further enacted, that upon any audit which shall take place after the passing of this Act of any ordinary or extraordinary account, where it shall appear to the commissioners for auditing the publick accounts that any publick accountant is indebted to his Majesty, upon the balance thereof, in the sum of five hundred pounds or upwards (such account not being an account current), it shall and may be lawful for the said commissioners, at their discretion, to charge the said accounting party with interest upon the whole or any part of the said balance, for such period of time past, and at such rate of interest, as they shall deem to be just and reasonable, so that the said rate of interest do not exceed five pounds per centum per annum; and the said commissioners are hereby required, in all cases where they shall charge the accounting party with interest as aforesaid, to cause a notice in writing to be given forthwith to such accounting party or his lawful representative or representatives, or his or their agent, specifying the amount of such balance, and also of such charge for interest, and the grounds upon which such charge for interest has been made; and also to set forth the amount of such charge for interest, together with the grounds thereof, in the said account, when they shall cause the same, according to the nature thereof, either to be declared by their own authority or to be prepared for declaration, or to be stated to the lords commissioners of his Majesty's Treasury for their consideration: Provided nevertheless, that nothing herein contained shall prevent or delay the said lords commissioners from proceeding, and they are hereby required to proceed, to allow or disallow the

amount of such balance, or any part thereof, upon any account so prepared for declaration or stated to them as aforesaid, distinct and apart from the said charge for interest; which said charge for interest they shall and may nevertheless in such case proceed afterwards to allow or disallow, in the whole or in part, as they shall think just and reasonable.

V. AND be it further enacted, that after any extraordinary account shall have been stated to the lords commissioners of his Majesty's Treasury, and they shall have granted their warrant to prepare the same for declaration, the said commissioners for auditing the publick accounts shall proceed to compute interest, after the rate of five pounds per centum per annum, upon the amount of the said balance so stated by them as aforesaid, or so much thereof as shall have been allowed by the said lords commissioners of his Majesty's Treasury, and shall then remain due, and also upon the amount of the said charge for interest so stated as aforesaid, or upon so much thereof as shall have been allowed by the said lords commissioners of his Majesty's Treasury, such interest to be computed from the time when the said account was so stated, until the fifth day of January or the fifth day of July (as the case may be) next preceding the time when the said account of balance or interest (as the case may be) shall be presented for declaration; and the amount of such further interest for the said intermediate period of time shall be added to the amount of the said balance and charge for interest respectively, which shall have been allowed by the said lords commissioners of his Majesty's Treasury, and shall therewith form the total sum with which the said accountant shall be charged as due to his Majesty on the said accounts of balance or interest, when the same shall be respectively presented for declaration. [Rep., 29 & 30 Vict. c. 89, s. 46.]

allow or disallow balances of accounts distinct from the interest.

After warrant granted to prepare any extraordinary account for declaration, the commissioners shall compute intermediate interest from the time of stating the account to Jan. 5, or July 5, preceding the declaration, which shall be added to the balance and interest allowed by the Treasury.

VIII. PROVIDED always, and be it further enacted, that nothing hereinbefore contained shall operate to charge any surety with interest for delay of payment by the principal debtor, except from such time only as such surety shall be called upon to answer for the default of the principal.

No surety to be charged with interest till called upon to answer for default of the principal.

XI. AND whereas it is just and reasonable that interest should be allowed to publick accountants for monies advanced by them for the publick service, and remaining due to them upon the balance of their accounts, not being accounts current: Be it therefore enacted, that it shall and may be lawful for the lords commissioners of his Majesty's Treasury, and they are hereby required, to allow and direct interest to be paid, after the rate of five pounds per centum per annum, upon every sum of money amounting to five hundred pounds and upwards which hath already been or hereafter shall be so ascertained or declared as aforesaid to be due upon the balance of such accounts from the publick to any person or persons whatever; such interest, in respect of such sums as have been already so ascertained or declared as aforesaid, to commence at and be computed from the passing of this Act, and in respect of such sums as shall hereafter be so ascertained or declared as aforesaid, to commence at and be computed from the time of the complete delivery of such accounts into the office for auditing the publick accounts; which said interest shall in every case continue to grow due and be payable in respect of the said principal sums of money, until the said principal sums and every part thereof shall be fully satisfied and discharged.

The Treasury to allow interest upon sums amounting to 500*l.* and upwards ascertained or declared to be due to publick accountants till the whole be discharged.

XII. AND whereas it is expedient to provide more effectually for compelling the payment of balances which are or may become due from publick accountants: Be it therefore further enacted, that from and after the passing of this Act the commissioners of the customs and excise in England and Scotland respectively, and the commissioners for stamps and for the affairs

The commissioners of customs and excise, for stamps and taxes, the postmaster

general, and the principal officers employed in any other branch of the revenue, shall proceed to recover all balances due from persons employed under them.

of taxes, and also his Majesty's postmaster general, and the principal officer or officers employed in the collection and management of any other branch of his Majesty's revenues, shall and they are hereby severally required forthwith to proceed with all due diligence, by legal process or other lawful ways and means, to recover all balances and sums of money which have been ascertained to be due and now remain due to his Majesty from any person or persons heretofore employed in the collection or receipt of any of his Majesty's revenues under the management of such several commissioners and officers respectively; and so from time to time, when and so soon as any balance or sum of money shall be ascertained to be due for principal and interest, or either of them, to his Majesty, his heirs and successors, from any person dying or going out of office, who now is or shall hereafter be employed in the collection or receipt of any of his Majesty's revenues under the management of such several commissioners and officers respectively.

\* \* \* \* \*

This Act not to prevent any charge of interest on the ground of any circumstances on which it might have been charged before this Act; nor to abridge the rights of his Majesty to controul, suspend or prevent the execution of any process for recovering balances, &c.

XIV. PROVIDED always, and be it further enacted, that nothing hereinbefore contained shall extend to prevent any charge of interest on any accountant, on the ground of any special circumstances on which such accountant might have been charged with interest if this Act had not passed.

XV. PROVIDED also nevertheless, and be it further enacted, that nothing herein contained shall extend to abridge or alter the rights and powers of his Majesty, his heirs and successors, to controul, suspend or prevent the execution of any process or proceeding under this Act or otherwise for recovering such balances or monies, or any part thereof; but that all such rights and powers shall remain in full force and effect, so far as by law they now exist, any thing herein-before contained to the contrary notwithstanding.

The Treasury shall cause to be laid before Parliament, within 14 days after the commencement of every session, a list of publick accountants in respect of whom the execution of any process hath been controuled, suspended or prevented by authority of his Majesty within the preceding year.

XVI. AND be it further enacted, that the lords commissioners of his Majesty's Treasury shall cause to be laid before both Houses of Parliament, within fourteen days after the commencement of every session, a list of the publick accountants, in respect of whom the execution of any process or proceeding under this Act or otherwise for recovering any balances so ascertained or declared to be due from them for principal or interest, or any part thereof, hath been controuled, suspended or prevented by the authority of his Majesty, his heirs or successors, within one year preceding the commencement of such session, specifying in such list the amount of the balances originally ascertained or declared to be due from such persons respectively, and the several sums still remaining due from them, and the causes for which the execution of such process or proceeding has been controuled, suspended or prevented.

## CHAPTER LXVII.

## AN ACT for the Union of Great Britain and Ireland.

[2d July 1800.]

**W**HEREAS in pursuance of his Majesty's most gracious recommendation Preamble.  
to the two houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two houses of the Parliament of Great Britain and the two houses of the Parliament of Ireland have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British empire, it will be adviseable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner, and on such terms and conditions, as may be established by the Acts of the respective Parliaments of Great Britain and Ireland :

And whereas, in furtherance of the said resolution, both houses of the said two Parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes, in the tenor following :

The Parliaments of England and Ireland have agreed upon the articles following :

## ARTICLE FIRST.

That it be the First Article of the Union of the kingdoms of Great Britain and Ireland, that the said kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland, and that the royal stile and titles appertaining to the imperial crown of the said United Kingdom and its dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his Majesty, by his royal proclamation under the great seal of the United Kingdom, shall be pleased to appoint.

That Great Britain and Ireland shall upon Jan. 1, 1801, be united into one kingdom ; and that the titles appertaining to the crown, &c. shall be such as his Majesty shall be pleased to appoint.

## ARTICLE SECOND.

That it be the Second Article of Union, that the succession to the imperial crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of Great Britain and Ireland now stands limited and settled, according to the existing laws and to the terms of union between England and Scotland.

That the succession to the crown shall continue limited and settled as at present.

## ARTICLE THIRD.

That it be the Third Article of Union, that the said United Kingdom be represented in one and the same Parliament, to be stiled the Parliament of the United Kingdom of Great Britain and Ireland.

That the United Kingdom be represented in one Parliament.

## ARTICLE FOURTH.

That it be the Fourth Article of Union, that four lords spiritual of Ireland by rotation of sessions, and twenty-eight lords temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of

That the number of lords spiritual and temporal and

of commoners herein specified shall sit and vote on the part of Ireland in the Parliament of the United Kingdom.

That such Act as shall be passed in Ireland to regulate the summoning and returning of lords and commoners to serve in the united Parliament shall be considered part of the treaty of union.

That all questions touching the rotation or election of lords of Ireland to sit in the united Parliament shall be decided by the House of Lords thereof.

That any peer of Ireland may be elected to serve in the House of Commons of the United Kingdom, unless previously elected to sit in the House of Lords, but shall not be entitled to the privilege of peerage, &c.

That his Majesty may create peers and make promotions in the peerage of Ireland after the union under certain regulations.

Ireland in the House of Lords of the Parliament of the United Kingdom; and one hundred commoners (two for each county of Ireland, two for the City of Dublin, two for the City of Cork, one for the university of Trinity College, and one for each of the thirty-one most considerable cities, towns and boroughs,) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom:

That such Act as shall be passed in the Parliament of Ireland previous to the union, to regulate the mode by which the lords spiritual and temporal and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, shall be considered as forming part of the treaty of union, and shall be incorporated in the Acts of the respective Parliaments by which the said union shall be ratified and established:

That all questions touching the rotation or election of lords spiritual or temporal of Ireland to sit in the Parliament of the United Kingdom shall be decided by the House of Lords thereof; and whenever, by reason of an equality of votes in the election of any such lords temporal, a complete election shall not be made according to the true intent of this article, the names of those peers, for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the Parliaments at the table of the House of Lords whilst the house is sitting; and the peer or peers, whose name or names shall be first drawn out by the clerk of the Parliaments, shall be deemed the peer or peers elected, as the case may be:

That any person holding any peerage of Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city or borough of Great Britain, in the House of Commons of the United Kingdom, unless he shall have been previously elected as above to sit in the House of Lords of the United Kingdom; but that so long as such peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against and tried as a commoner, for any offence with which he may be charged:

That it shall be lawful for his Majesty, his heirs and successors, to create peers of that part of the United Kingdom called Ireland, and to make promotions in the peerage thereof, after the union; provided that no new creation of any such peers shall take place after the union, until three of the peerages of Ireland which shall have been existing at the time of the union shall have become extinct; and upon such extinction of three peerages that it shall be lawful for his Majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland; and in like manner so often as three peerages of that part of the United Kingdom called Ireland shall become extinct, it shall be lawful for his Majesty, his heirs and successors, to create one other peer of the said part of the United Kingdom; and if it shall happen that the peers of that part of the United Kingdom called Ireland shall, by extinction of peerages or otherwise, be reduced to the number of one hundred



exclusive of all such peers of that part of the United Kingdom called Ireland as shall hold any peerage of Great Britain subsisting at the time of the union, or of the United Kingdom created since the union, by which such peers shall be entitled to an hereditary seat in the House of Lords of the United Kingdom, then and in that case it shall and may be lawful for his Majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland, as often as any one of such one hundred peerages shall fail by extinction, or as often as any one peer of that part of the United Kingdom called Ireland shall become entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom; it being the true intent and meaning of this article, that at all times after the union it shall and may be lawful for his Majesty, his heirs and successors, to keep up the peerage of that part of the United Kingdom called Ireland to the number of one hundred, over and above the number of such of the said peers as shall be entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom :

That if any peerage shall at any time be in abeyance such peerage shall be deemed and taken as an existing peerage; and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage for the space of one year from the death of the person who shall have been last possessed thereof; and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the House of Lords of the United Kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct; provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct; and if such claim shall be allowed as valid by judgement of the House of Lords of the United Kingdom, reported to his Majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of that part of the United Kingdom called Ireland shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his Majesty, his heirs or successors, in consequence of the next extinction which shall take place of any peerage of that part of the United Kingdom called Ireland :

That all questions touching the election of members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are or at any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations in respect of Ireland as, from local circumstances, the Parliament of the United Kingdom may from time to time deem expedient :

That when his Majesty, his heirs or successors, shall declare his, her or their pleasure for holding the first or any subsequent Parliament of the United Kingdom, a proclamation shall issue, under the great seal of the United Kingdom, to cause the lords spiritual and temporal, and commons, who are to serve in the Parliament thereof on the part of Ireland, to be returned in such manner as by any Act of this present session of the Parliament

The number of Irish peers not entitled to an hereditary seat in the House of Lords of the United Kingdom may be kept up to 100.

Peerages in abeyance to be deemed existing peerages, and no peerage to be deemed extinct but on default of claim for a year after the death of the late possessor. If a claim be after that period made and allowed, and a new creation shall have taken place in the interval, no new right of creation shall accrue to his Majesty on the next extinction of a peerage.

Questions touching the election of members to sit in the House of Commons of the United Kingdom on the part of Ireland shall be decided as questions touching such elections in Great Britain.

When his Majesty shall declare his pleasure for holding a Parliament of the United Kingdom, a proclamation shall issue to cause the lords and commons who

are to serve on the part of Ireland to be returned as shall be provided by any Act of the present session in Ireland.

of Ireland shall be provided ; and that the lords spiritual and temporal and commons of Great Britain shall, together with the lords spiritual and temporal and commons so returned as aforesaid on the part of Ireland, constitute the two houses of the Parliament of the United Kingdom :

The lords of Parliament on the part of Ireland shall have the same privileges as the lords on the part of Great Britain ; and all lords spiritual of Ireland shall have rank next after the lords spiritual of the same rank of Great Britain, and shall enjoy the same privileges (except those depending upon sitting in the House of Lords) ; and the temporal peers of Ireland shall have rank next after the peers of the like rank in Great Britain at the time of the union ; and all peerages of Ireland and of the United Kingdom created after the union shall have rank

according to creation ; and all peerages of Great Britain and of Ireland shall in all other respects be considered as peerages of the United Kingdom, and the peers of Ireland shall enjoy the same privileges (except those depending upon sitting in the House of Lords) as the peers of Great Britain.

That the lords of Parliament on the part of Ireland, in the House of Lords of the United Kingdom, shall at all times have the same privileges of Parliament which shall belong to the lords of Parliament on the part of Great Britain ; and the lords spiritual and temporal respectively on the part of Ireland shall at all times have the same rights in respect of their sitting and voting upon the trial of peers as the lords spiritual and temporal respectively on the part of Great Britain ; and that all lords spiritual of Ireland shall have rank and precedence next and immediately after the lords spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the lords spiritual of Great Britain do now or may hereafter enjoy the same (the right and privilege of sitting in the House of Lords and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted) ; and that the persons holding any temporal peerages of Ireland existing at the time of the union shall, from and after the union, have rank and precedence next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain subsisting at the time of the union ; and that all peerages of Ireland created after the union shall have rank and precedence with the peerages of the United Kingdom so created, according to the dates of their creations ; and that all peerages both of Great Britain and Ireland now subsisting or hereafter to be created shall in all other respects from the date of the union be considered as peerages of the United Kingdom ; and that the peers of Ireland shall, as peers of the United Kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of Great Britain, the right and privilege of sitting in the House of Lords and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted.

#### ARTICLE FIFTH.

The churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.

That it be the Fifth Article of Union, that the churches of England and Ireland as now by law established be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland ; and that the doctrine, worship, discipline and government of the said united Church shall be and shall remain in full force for ever, as the same are now by law established for the Church of England ; and that the continuance and preservation of the said united Church, as the established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union ; and that in like manner the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law and by the Acts for the union of the two kingdoms of England and Scotland.

## ARTICLE SIXTH.

That it be the Sixth Article of Union, that his Majesty's subjects of Great Britain and Ireland shall from and after the first day of January one thousand eight hundred and one be entitled to the same privileges and be on the same footing, as to encouragements and bounties on the like articles, being the growth, produce or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and that in all treaties made by his Majesty, his heirs and successors, with any foreign power, his Majesty's subjects of Ireland shall have the same privileges and be on the same footing as his Majesty's subjects of Great Britain:

That from the first day of January one thousand eight hundred and one all prohibitions and bounties on the export of articles, the growth, produce or manufacture of either country, to the other shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other without duty or bounty on such export:

That all articles, the growth, produce or manufacture of either country (not herein-after enumerated as subject to specific duties), shall from thenceforth be imported into each country from the other free from duty, other than such countervailing duties on the several articles enumerated in the schedule number one A. and B. hereunto annexed as are therein specified, or to such other countervailing duties as shall hereafter be imposed by the Parliament of the United Kingdom, in the manner herein-after provided;

be imported into each country from the other duty free, other than the countervailing duties in the schedule No. 1, or to such as shall hereafter be imposed by the united Parliament;

That any articles of the growth, produce or manufacture of either country, which are or may be subject to internal duty or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty or duties on the materials; and that for the said purposes the articles specified in the said schedule number one A. and B. shall be subject to the duties set forth therein, liable to be taken off, diminished or increased in the manner herein specified; and that upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that in like manner in future it shall be competent to the united Parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty on any article of the growth, produce or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same; and that when any such new or additional countervailing duty shall be so imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other:

The subjects of Great Britain and Ireland shall be on the same footing in respect of trade and navigation, and in all treaties with foreign powers the subjects of Ireland shall have the same privileges as British subjects.

From January 1, 1801, all prohibitions and bounties on the export of articles the produce or manufacture of either country to the other shall cease.

All articles the produce or manufacture of either country, not herein-after enumerated as subject to specific duties, shall

Articles of the produce or manufacture of either country, subject to internal duty or to duty on the materials, may be subjected on importation into each country to countervailing duties; and upon their export a drawback of the duty shall be allowed.

Articles the  
produce or  
manufacture  
of either  
country, when  
exported  
through the other,  
shall be subject to  
the produce or  
manufacture.

That all articles, the growth, produce or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce or manufacture :

they were the growth, produce or manufacture :  
they were the growth, produce or manufacture :  
they were the growth, produce or manufacture :

. . . . .

#### ARTICLE SEVENTH.

The interest  
and the sinking  
fund for reduc-  
tion of the  
debt of either  
kingdom shall  
continue to be  
defrayed  
separately.

That it be the Seventh Article of Union, that the charge arising from the payment of the interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the union, shall continue to be separately defrayed by Great Britain and Ireland respectively, except as herein-after provided :

The expendi-  
ture of the  
United King-  
dom to be  
defrayed and  
provided for  
as herein  
specified.

That for the space of twenty years after the union shall take place the contribution of Great Britain and Ireland respectively towards the expenditure of the United Kingdom in each year shall be defrayed in the proportion of fifteen parts for Great Britain and two parts for Ireland ; and that at the expiration of the said twenty years the future expenditure of the United Kingdom (other than the interest and charges of the debt to which either country shall be separately liable) shall be defrayed in such proportion as the Parliament of the United Kingdom shall deem just and reasonable, upon a comparison of the real value of the exports and imports of the respective countries upon an average of the three years next preceding the period of revision ; or on a comparison of the value of the quantities of the following articles consumed within the respective countries on a similar average, videlicet, beer, spirits, sugar, wine, tea, tobacco and malt ; or according to the aggregate proportion resulting from both these considerations combined ; or on a comparison of the amount of income in each country, estimated from the produce for the same period of a general tax, if such shall have been imposed on the same descriptions of income in both countries ; and that the Parliament of the United Kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than twenty years nor less than seven years from each other ; unless previous to any such period the Parliament of the United Kingdom shall have declared, as herein-after provided, that the expenditure of the United Kingdom shall be defrayed indiscriminately by equal taxes imposed on the like articles in both countries : That for the defraying the said expenditure according to the rules above laid down the revenues of Ireland shall hereafter constitute a consolidated fund, which shall be charged, in the first instance, with the interest of the debt of Ireland and with the sinking fund applicable to the reduction of the said debt, and the remainder shall be applied towards defraying the proportion of the expenditure of the United Kingdom, to which Ireland may be liable in each year : That the proportion of contribution to which Great Britain and Ireland will be liable shall be raised by such taxes in each country respectively as the Parliament of the United Kingdom shall from time to time deem fit : Provided always, that in regulating the taxes in each country, by which their respective proportions shall be levied, no article in Ireland shall be made liable to any new or additional duty, by

which the whole amount of duty payable thereon would exceed the amount which will be thereafter payable in England on the like article: That if at the end of any year any surplus shall accrue from the revenues of Ireland, after defraying the interest, sinking fund, and proportional contribution and separate charges to which the said country shall then be liable, taxes shall be taken off to the amount of such surplus, or the surplus shall be applied by the Parliament of the United Kingdom to local purposes in Ireland, or to make good any deficiency which may arise in the revenues of Ireland in time of peace, or be invested by the Commissioners of the National Debt of Ireland in the funds, to accumulate for the benefit of Ireland at compound interest, in ease of the contribution of Ireland in time of war; provided that the surplus so to accumulate shall at no future period be suffered to exceed the sum of five millions: That all monies to be raised after the union by loan, in peace or war, for the service of the United Kingdom by the Parliament thereof, shall be considered to be a joint debt, and the charges thereof shall be borne by the respective countries in the proportion of their respective contributions; provided that if at any time, in raising their respective contributions hereby fixed for each country, the Parliament of the United Kingdom shall judge it fit to raise a greater proportion of such respective contributions in one country within the year than in the other, or to set apart a greater proportion of sinking fund for the liquidation of the whole or any part of the loan raised on account of the one country than of that raised on account of the other country, then such part of the said loan, for the liquidation of which different provisions shall have been made for the respective countries, shall be kept distinct, and shall be borne by each separately, and only that part of the said loan be deemed joint and common, for the reduction of which the respective countries shall have made provision in the proportion of their respective contributions: That if at any future day the separate debt of each country respectively shall have been liquidated, or if the values of their respective debts (estimated according to the amount of the interest and annuities attending the same and of the sinking fund applicable to the reduction thereof, and to the period within which the whole capital of such debt shall appear to be redeemable by such sinking fund) shall be to each other in the same proportion with the respective contributions of each country respectively, or if the amount by which the value of the larger of such debts shall vary from such proportion shall not exceed one hundredth part of the said value, and if it shall appear to the Parliament of the United Kingdom that the respective circumstances of the two countries will thenceforth admit of their contributing indiscriminately, by equal taxes imposed on the same articles in each, to the future expenditure of the United Kingdom, it shall be competent to the Parliament of the United Kingdom to declare that all future expence thenceforth to be incurred, together with the interest and charges of all joint debts contracted previous to such declaration, shall be so defrayed indiscriminately by equal taxes imposed on the same articles in each country, and thenceforth from time to time, as circumstances may require, to impose and apply such taxes accordingly, subject only to such particular exemptions or abatements in Ireland, and in that part of Great Britain called Scotland, as circumstances may appear from time to time to demand: That from the period of such declaration it shall no longer be necessary to regulate the contribution of the

two countries towards the future expenditure of the United Kingdom according to any specifick proportion, or according to any of the rules herein-before prescribed; provided nevertheless, that the interest or charges which may remain on account of any part of the separate debt with which either country shall be chargeable, and which shall not be liquidated or consolidated proportionably as above, shall, until extinguished, continue to be defrayed by separate taxes in each country: That a sum, not less than the sum which has been granted by the Parliament of Ireland on the average of six years immediately preceding the first day of January in the year one thousand eight hundred, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the union, to such local purposes in Ireland in such manner as the Parliament of the United Kingdom shall direct: That from and after the first day of January one thousand eight hundred and one all publick revenue arising to the United Kingdom from the territorial dependencies thereof, and applied to the general expenditure of the United Kingdom, shall be so applied in the proportions of the respective contributions of the two countries.

#### ARTICLE EIGHTH.

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alterations as may appear proper to the united Parliament.

All appeals to be finally decided by the peers of the United Kingdom.

There shall remain in Ireland a Court of Admiralty, and appeals therefrom shall be to the delegates in Chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

His Majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that

That it be the Eighth Article of Union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require; provided that all writs of error and appeals depending at the time of the union or hereafter to be brought, and which might now be finally decided by the House of Lords of either kingdom, shall from and after the union be finally decided by the House of Lords of the United Kingdom; and provided that from and after the union there shall remain in Ireland an Instance Court of Admiralty for the determination of causes civil and maritime only, and that the appeal from sentences of the said court shall be to his Majesty's delegates in his Court of Chancery in that part of the United Kingdom called Ireland; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any Act for carrying these articles into effect, be from and after the union repealed.

All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

AND whereas the said articles having, by address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same, and to recommend it to his two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said articles: In order therefore to give full effect and validity to the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said fore-

going recited articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed and approved, and be and they are hereby declared to be the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the year of our Lord one thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect in the like manner the said foregoing recited articles. [Rep., so far as relates to the parts of articles omitted, and to so much of article sixth as relates to the schedules to that article, 21 & 22 Vict. c. 26. and Stat. Law Rev. Act, 1871.]

before that period an Act shall have been passed in Ireland for carrying them into effect.

II. AND whereas an Act, intituled "An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament," has been passed by the Parliament of Ireland, the tenor whereof is as follows: 'An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament. Whereas it is agreed by the Fourth Article of Union, that four lords spiritual of Ireland by rotation of sessions, and twenty-eight lords temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the Parliament of the United Kingdom; and one hundred commoners (two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the college of the Holy Trinity of Dublin, and one for each of the thirty-one most considerable cities, towns and boroughs,) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by authority of the same, that the said four lords spiritual shall be taken from among the lords spiritual of Ireland in the manner following; that is to say, that one of the four archbishops of Ireland and three of the eighteen bishops of Ireland shall sit in the House of Lords of the united Parliament in each session thereof, the said right of sitting being regulated as between the said archbishops respectively by a rotation among the archiepiscopal sees from session to session, and in like manner that of the bishops by a like rotation among the episcopal sees: That the primate of all Ireland for the time being shall sit in the first session of the Parliament of the United Kingdom, the archbishop of Dublin for the time being in the second, the archbishop of Cashel for the time being in the third, the archbishop of Tuam for the time being in the fourth, and so by rotation of sessions for ever, such rotation to proceed regularly and without interruption from session to session, notwithstanding any dissolution or expiration of Parliament: That three suffragan bishops shall in like manner sit according to rotation of their sees, from session to session, in the following order; the lord bishop of Meath, the lord bishop of Kildare, the lord bishop of Derry, in the first session of the Parliament of the United Kingdom; the lord bishop of Raphoe, the lord bishop of Limerick, Ardferd and Aghadoe, the lord bishop of Dromore, in the second

Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons to serve in the Parliament of the United Kingdom on the part of Ireland shall be summoned and returned.

‘ session of the Parliament of the United Kingdom ; the lord bishop of  
‘ Elphin, the lord bishop of Down and Connor, the lord bishop of Waterford  
‘ and Lismore, in the third session of the Parliament of the United Kingdom ;  
‘ the lord bishop of Leighlin and Ferns, the lord bishop of Cloyne, the lord  
‘ bishop of Cork and Ross, in the fourth session of the Parliament of the  
‘ United Kingdom ; the lord bishop of Killaloe and Kilfenora, the lord bishop  
‘ of Kilmore, the lord bishop of Clogher, in the fifth session of the Parliament  
‘ of the United Kingdom ; the lord bishop of Ossory, the lord bishop of  
‘ Killala and Achonry, the lord bishop of Clonfert and Kilmacduagh, in the  
‘ sixth session of the Parliament of the United Kingdom ; the said rotation  
‘ to be nevertheless subject to such variation therefrom from time to time as  
‘ is herein-after provided : That the said twenty-eight lords temporal shall be  
‘ chosen by all the temporal peers of Ireland in the manner herein-after  
‘ provided ; that each of the said lords temporal so chosen shall be entitled  
‘ to sit in the House of Lords of the Parliament of the United Kingdom  
‘ during his life ; and in case of his death, or forfeiture of any of the said  
‘ lords temporal, the temporal peers of Ireland shall, in the manner herein-  
‘ after provided, choose another peer out of their own number to supply the  
‘ place so vacant. And be it enacted, that of the one hundred commoners to  
‘ sit on the part of Ireland in the United Parliament sixty-four shall be  
‘ chosen for the counties and thirty-six for the following cities and boroughs,  
‘ videlicet: For each county of Ireland two ; for the city of Dublin two ; for  
‘ the city of Cork two ; for the college of the Holy Trinity of Dublin one ;  
‘ for the city of Waterford one ; for the city of Limerick one ; for the borough  
‘ of Belfast one ; for the county and town of Drogheda one ; for the county  
‘ and town of Carrickfergus one ; for the borough of Newry one ; for the city  
‘ of Kilkenny one ; for the city of Londonderry one ; for the town of Galway  
‘ one ; for the borough of Clonmell one ; for the town of Wexford one ; for  
‘ the town of Youghall one ; for the town of Bandon-Bridge one ; for the  
‘ borough of Armagh one ; for the borough of Dundalk one ; for the town of  
‘ Kinsale one ; for the borough of Lisburne one ; for the borough of Sligo  
‘ one ; for the borough of Catherlough one ; for the borough of Ennis one ;  
‘ for the borough of Dungarvan one ; for the borough of Downpatrick one ;  
‘ for the borough of Colrairie one ; for the town of Mallow one ; for the  
‘ borough of Athlone one ; for the town of New Ross one ; for the borough of  
‘ Tralee one ; for the city of Cashel one ; for the borough of Dungannon one ;  
‘ for the borough of Portarlinton one ; for the borough of Enniskillen one.  
‘ And be it enacted, that in case of the summoning of a new Parliament, or  
‘ if the seat of any of the said commoners shall become vacant by death or  
‘ otherwise, then the said counties, cities or boroughs, or any of them, as the  
‘ case may be, shall proceed to a new election ; and that all the other towns,  
‘ cities, corporations or boroughs, other than the aforesaid, shall cease to elect  
‘ representatives to serve in Parliament ; and no meeting shall at any time  
‘ hereafter be summoned, called, convened or held, for the purpose of electing  
‘ any person or persons to serve or act or be considered as representative or  
‘ representatives of any other place, town, city, corporation or borough, other  
‘ than the aforesaid, or as representative or representatives of the freemen,  
‘ freeholders, householders or inhabitants thereof, either in the Parliament of  
‘ the United Kingdom or elsewhere (unless it shall hereafter be otherwise



provided by the Parliament of the United Kingdom); and every person summoning, calling or holding any such meeting or assembly, or taking any part in any such election or pretended election, shall, being thereof duly convicted, incur and suffer the pains and penalties ordained and provided by the statute of provision and præmunire made in the sixteenth year of the reign of Richard the Second. For the due election of the persons to be chosen to sit in the respective Houses of the Parliament of the United Kingdom on the part of Ireland, be it enacted, that on the day following that on which the Act for establishing the union shall have received the royal assent, the primate of all Ireland, the lord bishop of Meath, the lord bishop of Kildare, and the lord bishop of Derry, shall be and they are hereby declared to be the representatives of the lords spiritual of Ireland in the Parliament of the United Kingdom for the first session thereof; and that the temporal peers of Ireland shall assemble at twelve of the clock on the same day as aforesaid, in the now accustomed place of meeting of the House of Lords of Ireland, and shall then and there proceed to elect twenty-eight lords temporal to represent the peerage of Ireland in the Parliament of the United Kingdom in the following manner; that is to say, the names of the peers shall be called over according to their rank by the clerk of the Crown or his deputy, who shall then and there attend for that purpose; and each of the said peers who previous to the said day and in the present Parliament shall have actually taken his seat in the House of Lords of Ireland, and who shall there have taken the oaths and signed the declaration which are or shall be by law required to be taken and signed by the lords of the Parliament of Ireland before they can sit and vote in the Parliament hereof, shall, when his name is called, deliver, either by himself or by his proxy (the name of such proxy having been previously entered in the books of the House of Lords of Ireland according to the present forms and usages thereof), to the clerk of the Crown or his deputy (who shall then and there attend for that purpose) a list of twenty-eight of the temporal peers of Ireland; and the clerk of the Crown or his deputy shall then and there publicly read the said lists, and shall then and there cast up the said lists, and publicly declare the names of the twenty-eight lords who shall be chosen by the majority of votes in the said lists, and shall make a return of the said names to the House of Lords of the first Parliament of the United Kingdom; and the twenty-eight lords so chosen by the majority of votes in the said lists shall, during their respective lives, sit as representatives of the peers of Ireland in the House of Lords of the United Kingdom, and be entitled to receive writs of summons to that and every succeeding Parliament; and in case a complete election shall not be made of the whole number of twenty-eight peers by reason of an equality of votes, the clerk of the Crown shall return such number in favour of whom a complete election shall have been made in one list, and in a second list shall return the names of those peers who shall have an equality of votes, but in favour of whom by reason of such equality a complete election shall not have been made, and the names of the peers in the second list, for whom an equal number of votes shall have been so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the Parliament of the United Kingdom at the table of the House of Lords

‘ thereof whilst the House is sitting, and the peer whose name shall be first  
‘ drawn out by the clerk of the Parliament shall be deemed the peer  
‘ elected, and so successively as often as the case may require ; and when-  
‘ ever the seat of any of the twenty-eight lords temporal so elected shall  
‘ be vacated by decease or forfeiture, the chancellor, the keeper or commissioners  
‘ of the great seal of the United Kingdom for the time being, upon receiving  
‘ a certificate under the hand and seal of any two lords temporal of the Parlia-  
‘ ment of the United Kingdom certifying the decease of such peer, or on view  
‘ of the record of attainder of such peer, shall direct a writ to be issued under  
‘ the great seal of the United Kingdom to the chancellor, the keeper or com-  
‘ missioners of the great seal of Ireland for the time being, directing him or  
‘ them to cause writs to be issued by the clerk of the Crown in Ireland to  
‘ every temporal peer of Ireland who shall have sat and voted in the House  
‘ of Lords of Ireland before the union, or whose right to sit and vote therein  
‘ or to vote at such elections shall on claim made on his behalf have been  
‘ admitted by the House of Lords of Ireland before the union, or after the  
‘ union by the House of Lords of the United Kingdom ; and notice shall forth-  
‘ with be published by the said clerk of the Crown in the London and Dublin  
‘ Gazettes of the issuing of such writs, and of the names and titles of all the  
‘ peers to whom the same are directed ; and to the said writs there shall be  
‘ annexed a form of return thereof in which a blank shall be left for the name  
‘ of the peer to be elected, and the said writs shall enjoin each peer within  
‘ fifty-two days from the teste of the writ to return the same into the Crown  
‘ Office of Ireland with the blank filled up, by inserting the name of the peer  
‘ for whom he shall vote as the peer to succeed to the vacancy made by demise  
‘ or forfeiture as aforesaid ; and the said writs and returns shall be bipartite,  
‘ so as that the name of the peer to be chosen shall be written twice, that is,  
‘ once on each part of such writ and return, and so as that each part may also  
‘ be subscribed by the peer to whom the same shall be directed, and likewise  
‘ be sealed with his seal of arms ; and one part of the said writs and returns,  
‘ so filled up, subscribed and sealed as above, shall remain of record in the  
‘ Crown Office of Ireland, and the other part shall be certified by the clerk of  
‘ the Crown to the clerk of the Parliament of the United Kingdom ; and no  
‘ peer of Ireland, except such as shall have been elected as representative  
‘ peers on the part of Ireland in the House of Lords of the United Kingdom,  
‘ and shall there have taken the oaths and signed the declaration prescribed  
‘ by law, shall, under pain of suffering such punishment as the House of Lords  
‘ of the United Kingdom may award and adjudge, make a return to such  
‘ writ, unless he shall, after the issuing thereof and before the day on which  
‘ the writ is returnable, have taken the oaths and signed the declaration  
‘ which are or shall be by law required to be taken and signed by the lords  
‘ of the United Kingdom before they can sit and vote in the Parliament  
‘ thereof ; which oaths and declaration shall be either taken and subscribed in  
‘ the Court of Chancery of Ireland, or before one of his Majesty’s justices of  
‘ the peace of that part of the United Kingdom called Ireland, a certificate  
‘ whereof, signed by such justices of the peace or by the register of the said  
‘ Court of Chancery, shall be transmitted by such peer with the return, and  
‘ shall be annexed to that part thereof remaining of record in the Crown Office  
‘ of Ireland ; and the clerk of the Crown shall forthwith after the return day

‘ of the writs cause to be published in the London and Dublin Gazettes a  
‘ notice of the name of the person chosen by the majority of votes ; and the  
‘ peer so chosen shall during his life be one of the peers to sit and vote on  
‘ the part of Ireland in the House of Lords of the United Kingdom ; and in  
‘ case the votes shall be equal, the names of such persons who have an equal  
‘ number of votes in their favour shall be written on pieces of paper of a  
‘ similar form and shall be put into a glass by the clerk of the Parliament of  
‘ the United Kingdom at the table of the House of Lords whilst the House is  
‘ sitting, and the peer whose name shall be first drawn out by the clerk of  
‘ the Parliament shall be deemed the peer elected. And be it enacted, that  
‘ in case any lord spiritual, being a temporal peer of the United Kingdom or  
‘ being a temporal peer of that part of the United Kingdom called Ireland,  
‘ shall be chosen by the lords temporal to be one of the representatives of the  
‘ lords temporal, in every such case during the life of such spiritual peer being  
‘ a temporal peer of the United Kingdom or being a temporal peer of that part  
‘ of the United Kingdom called Ireland, so chosen to represent the lords  
‘ temporal, the rotation of representation of the spiritual lords shall proceed  
‘ to the next spiritual lord, without regard to such spiritual lord so chosen  
‘ a temporal peer, that is to say, if such spiritual lord shall be an archbishop,  
‘ then the rotation shall proceed to the archbishop whose see is next in  
‘ rotation, and if such spiritual lord shall be a suffragan bishop, then the  
‘ rotation shall proceed to the suffragan bishop whose see is next in rotation.  
‘ And whereas by the said Fourth Article of Union it is agreed that if his  
‘ Majesty shall on or before the first day of January next declare under the  
‘ great seal of Great Britain that it is expedient that the lords and commons  
‘ of the present Parliament of Great Britain should be the members of the  
‘ respective Houses of the first Parliament of the United Kingdom on the part  
‘ of Great Britain, then the lords and commons of the present Parliament of  
‘ Great Britain shall accordingly be the members of the respective Houses of  
‘ the first Parliament of the United Kingdom on the part of Great Britain :  
‘ Be it enacted, for and in that case only, that the present members of the  
‘ thirty-two counties of Ireland, and the two members for the city of Dublin,  
‘ and the two members for the city of Cork, shall be and they are hereby  
‘ declared to be by virtue of this Act members for the said counties and cities  
‘ in the first Parliament of the United Kingdom ; and that, on a day and  
‘ hour to be appointed by his Majesty under the great seal of Ireland, previous  
‘ to the said first day of January one thousand eight hundred and one,  
‘ the members then serving for the college of the Holy Trinity of Dublin and  
‘ for each of the following cities or boroughs, that is to say, the city of Water-  
‘ ford, city of Limerick, borough of Belfast, county and town of Drogheda,  
‘ county and town of Carrickfergus, borough of Newry, city of Kilkenny, city  
‘ of Londonderry, town of Galway, borough of Clonmell, town of Wexford,  
‘ town of Youghall, town of Bandon-Bridge, borough of Armagh, borough of  
‘ Dundalk, town of Kinsale, borough of Lisburne, borough of Sligo, borough  
‘ of Catherlough, borough of Ennis, borough of Dungarvan, borough of Down-  
‘ patrick, borough of Coleraine, town of Mallow, borough of Athlone, town of  
‘ New Ross, borough of Tralee, city of Cashel, borough of Dungannon, borough  
‘ of Portarlinton and borough of Enniskillen, or any five or more of them,  
‘ shall meet in the now usual place of meeting of the House of Commons

‘ of Ireland, and the names of the members then serving for the said places  
‘ and boroughs shall be written on separate pieces of paper, and the said  
‘ papers being folded up shall be placed in a glass or glasses, and shall suc-  
‘ cessively be drawn thereout by the clerk of the Crown or his deputy, who  
‘ shall then and there attend for that purpose, and the first drawn name of  
‘ a member of each of the aforesaid places or boroughs shall be taken as the  
‘ name of the member to serve for the said place or borough in the first  
‘ Parliament of the United Kingdom ; and a return of the said names shall  
‘ be made by the clerk of the Crown or his deputy to the House of Commons  
‘ of the first Parliament of the United Kingdom, and a certificate thereof  
‘ shall be given respectively by the said clerk of the Crown or his deputy to  
‘ each of the members whose names shall have been so drawn : Provided  
‘ always, that it may be allowed to any member of any of the said places or  
‘ boroughs, by personal application to be then and there made by him to the  
‘ clerk of the Crown or his deputy, or by declaration in writing under his  
‘ hand to be transmitted by him to the clerk of the Crown previous to the  
‘ said day so appointed as above, to withdraw his name previous to the  
‘ drawing of the names by lot, in which case, or in that of a vacancy by  
‘ death or otherwise of one of the members of any of the said places or  
‘ boroughs at the time of so drawing the names, the name of the other  
‘ member shall be returned as aforesaid, as the name of the member to serve  
‘ for such place in the first Parliament of the United Kingdom ; or if both  
‘ members for any such place or borough shall so withdraw their names, or  
‘ if there shall be a vacancy of both members at the time aforesaid, the clerk  
‘ of the Crown shall certify the same to the House of Commons of the first  
‘ Parliament of the United Kingdom, and shall also express in such return  
‘ whether any writ shall then have issued for the election of a member or  
‘ members to supply such vacancy ; and if a writ shall so have issued for the  
‘ election of one member only, such writ shall be superseded, and any election  
‘ to be thereafter made thereupon shall be null and of no effect ; and if such  
‘ writ shall have issued for the election of two members, the said two mem-  
‘ bers shall be chosen accordingly, and their names being returned by the  
‘ clerk of the Crown to the House of Commons of the Parliament of the  
‘ United Kingdom, one of the said names shall then be drawn by lot in such  
‘ manner and time as the said House of Commons shall direct, and the person  
‘ whose name shall be so drawn shall be deemed to be the member to sit for  
‘ such place in the first Parliament of the United Kingdom ; but if at the  
‘ time aforesaid no writ shall have issued to supply such vacancy, none shall  
‘ thereafter issue until the same be ordered by resolution of the House of  
‘ Commons of the Parliament of the United Kingdom, as in the case of any  
‘ other vacancy of a seat in the House of Commons of the Parliament of the  
‘ United Kingdom. And be it enacted, that whenever his Majesty, his heirs  
‘ and successors, shall by proclamation under the great seal of the United  
‘ Kingdom summon a new Parliament of the United Kingdom of Great  
‘ Britain and Ireland, the chancellor, keeper or commissioners of the great  
‘ seal of Ireland, shall cause writs to be issued to the several counties, cities,  
‘ the college of the Holy Trinity of Dublin, and boroughs in that part of the  
‘ United Kingdom called Ireland, specified in this Act, for the election of  
‘ members to serve in the Parliament of the United Kingdom according to

‘ the numbers herein-before set forth ; and whenever any vacancy of a seat  
 ‘ in the House of Commons of the Parliament of the United Kingdom for  
 ‘ any of the said counties, cities or boroughs, or for the said college of the  
 ‘ Holy Trinity of Dublin, shall arise by death or otherwise, the chancellor,  
 ‘ keeper or commissioners of the great seal, upon such vacancy being certified  
 ‘ to them respectively by the proper warrant, shall forthwith cause a writ  
 ‘ to issue for the election of a person to fill up such vacancy ; and such writs  
 ‘ and the returns thereon respectively, being returned into the Crown Office  
 ‘ in that part of the United Kingdom called Ireland, shall from thence be  
 ‘ transmitted to the Crown Office in that part of the United Kingdom called  
 ‘ England, and be certified to the House of Commons in the same manner as  
 ‘ the like returns have been usually or shall hereafter be certified ; and copies  
 ‘ of the said writs and returns, attested by the chancellor, keeper or commis-  
 ‘ sioners of the great seal of Ireland for the time being, shall be preserved in  
 ‘ the Crown Office of Ireland, and shall be evidence of such writs and returns,  
 ‘ in case the original writs and returns shall be lost :’ Be it enacted, that the  
 said Act so herein recited be taken as a part of this Act, and be deemed to  
 all intents and purposes incorporated within the same.

III. AND be it enacted, that the great seal of Ireland may, if his Majesty  
 shall so think fit, after the union be used in like manner as before the union,  
 except where it is otherwise provided by the foregoing articles, within that  
 part of the United Kingdom called Ireland ; and that his Majesty may, so  
 long as he shall think fit, continue the Privy Council of Ireland to be his  
 Privy Council for that part of the United Kingdom called Ireland.

Recited Act to  
 be taken as a  
 part of this Act.  
 The great seal  
 of Ireland may,  
 if his Majesty  
 shall think fit,  
 after the union  
 be used there  
 in like manner  
 as before, ex-  
 cept where  
 otherwise pro-  
 vided by the  
 foregoing  
 articles ; and  
 his Majesty  
 may continue  
 the Privy Coun-  
 cil of Ireland.

## CHAPTER LXXII.

AN ACT to amend several Laws relating to the Duties on stamped Vellum,  
 Parchment and Paper. [9th July 1800.]

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XVI. AND whereas it is expedient that the said Commissioners of Stamps  
 should be empowered to allow to any person or persons, who shall have taken  
 out any probates of any will or letters of administration through any inad-  
 vertence or mistake in any ecclesiastical court or courts, the full value in other  
 stamped vellum, parchment or paper, of the amount of the stamp duty on any  
 of such probates or letters of administration that shall have been rendered  
 wholly useless and of no effect whatever, so as that no person or persons shall  
 pay the stamp duty granted upon probates of wills or letters of administration  
 by any Act or Acts now in force, more than once upon any one will or on the  
 same property of any person dying intestate : Be it therefore enacted, that  
 where due proof on oath shall be made to such Commissioners of Stamps to  
 the satisfaction of the said commissioners (which oath the said commissioners  
 or any one of them is hereby authorized to administer) that any will hath  
 through any inadvertence or mistake been proved, or that any letters of  
 administration have been taken out on the same property, in more than one  
 ecclesiastical or prerogative court, or more than once in any such ecclesiastical  
 court, and that by reason thereof more than one stamp duty shall have been  
 paid thereupon, then and in every such case it shall be lawful for such com-  
 missioners and they are hereby authorized, upon delivery to them of any

Commissioners  
 of Stamps may  
 cancel useless  
 probates of  
 wills and letters  
 of administra-  
 tion, and allow  
 such stamps.

such useless probate or letters of administration as aforesaid to be cancelled, and on production of the valid probate or letters of administration that shall have been granted on any such will or property as aforesaid, to cancel such useless probate or letters of administration, and to stamp or mark, or cause to be stamped or marked, or deliver any vellum, parchment or paper stamped, with stamps of the like denomination and value with the amount of any such probate or probates or letters of administration, without demanding or taking, directly or indirectly for the same, any sum of money or other consideration whatsoever.

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## CHAPTER LXXVII.

AN ACT for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners. [9th July 1800.]

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If any person shall work any coal, &c. in a manner different to his agreement or contrary to the directions of the owner, or shall refuse to fulfil his engagements, he shall forfeit a sum not exceeding 40s., and for nonpayment shall be imprisoned.

III. AND whereas it often happens that colliers and miners disregarding their agreements wilfully and obstinately work coal and iron stone in a different manner to what they stipulated, or otherwise abandon the agreement they have entered into, to the great and lasting prejudice of their employers: Be it therefore further enacted, that if any person or persons making any bargain or entering into any contract or agreement in writing, for raising or getting any coal, culm, iron stone or iron ore, shall wilfully and to the prejudice of the owner raise, get or work, or cause to be raised, got or worked, any such coal, culm, iron stone or iron ore, in a different manner to his or their stipulations in respect thereto, and contrary to the directions and against the will of the owner or his agent or agents having the care thereof or shall desist or refuse to fulfil the engagements they have entered into, every person or persons so offending and being thereof convicted, either by the confession of the party offending or upon the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace for the county wherein such offence shall have been committed, shall for every such offence, on complaint of the owner or owners or his or their agent or agents, and not otherwise, forfeit and pay such sum of money not exceeding forty shillings, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice or justices who shall convict the offender or offenders; and upon nonpayment thereof such justice or justices shall commit the offender or offenders to the common gaol of the county or place where the offence shall be committed, without bail or mainprize, for any time not exceeding six months, or until the penalty and charges shall be paid; and upon such conviction every such bargain, contract or agreement shall become void.

If any person shall stack any coal, &c. in a fraudulent manner, or shall fraudulently remove any iron stone, &c. he may be imprisoned.

IV. AND whereas the owners and lessees of coal, iron stone or iron ore, contracting to get the same raised by weight, are often under the necessity of advancing money to the colliers and miners upon the measure thereof in heaps, at or near the colliery or mine work, before the same can be carried to be weighed, and great frauds are practised in the walling and stacking of such coal, iron stone and iron ore, by which the colliers and miners obtain

money beyond what they earn or are able to repay, and miners often defraud each other by conveying away iron stone from one heap into another: Be it therefore further enacted, that if any person or persons shall wall or stack, or cause to be walled or stacked, any coal, iron stone or iron ore, in any false or fraudulent manner with an intent to deceive his or their employer or employers, or if any person or persons shall take or remove any iron stone or iron ore with intent to defraud the person or persons who shall have raised the same, and shall be thereof convicted, either by the confession of the party offending or upon the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county wherein such offence shall have been committed, it shall and may be lawful for such justice or justices to commit any such person to the house of correction or common gaol for the same county for any time not exceeding three months.

VI. AND be it further enacted, that all and every the forfeitures to be paid in pursuance of this Act shall be distributed between the informer and the overseer or overseers of the parish or place where the offence shall be committed, for the use of the poor of such parish or place, in such proportion as the justice or justices, before whom the offenders shall be convicted, shall think fit.

### Application of forfeitures.

VIII. AND for the more easy and speedy conviction of offenders against this Act, be it further enacted, that all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following words, or in any form of words to the same effect, as the case shall happen ; (videlicet,)

**Convictions shall be drawn up in the following form.**

BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_ A.B. having been brought  
before me [or having been duly summoned, and not having appeared, as  
the case may happen] is on his own confession [or on due proof, whichever  
may be the case] convicted before me, C.D., one of his Majesty's justices of the  
peace for the county of \_\_\_\_\_ for that he the said A.B. on the  
\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said county  
of \_\_\_\_\_ did [here specify the offence according to the fact, and  
following the words of the Act, and whether the same is the first or what  
other offence] against the form of the statute in that case made; and I do  
adjudge him to forfeit and pay for the said offence the sum of \_\_\_\_\_  
and also the further sum of \_\_\_\_\_ for the charges of this conviction.  
Given under my hand and seal [or our hands and seals] the day and year  
first aforesaid.'

IX. PROVIDED always, that no person shall be prosecuted for any offence against this Act unless such prosecution be begun within nine calendar months after the offence committed.

**Prosecutions must be begun within nine months.**

X. PROVIDED always, and be it further enacted, that any person or persons thinking himself or themselves aggrieved by any order or determination of any justice or justices of the peace in pursuance of this Act, save and except any order of commitment, may, within three calendar months after such order or determination shall be made, complain to the justices of the peace at the

Persons ag-  
grieved may  
appeal to the  
quarter ses-  
sions.

general quarter sessions to be held in and for the county or place where the cause of appeal shall arise, who shall either hear and determine such complaint at such general quarter sessions of the peace, or if they think proper may adjourn the hearing thereof to the next general quarter sessions of the peace to be held for the said county or place, and, if they see cause, may quash any conviction or mitigate any forfeiture or fine, and may award costs to either party, or order any money to be returned which shall have been levied in pursuance of any such order or determination, and shall and may also award such further satisfaction to be made to the party injured as they shall judge reasonable ; but no proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari or by any other writ or process whatsoever into any of his Majesty's courts of record at Westminster or elsewhere, any law or statute to the contrary notwithstanding.

Proceedings  
not to be  
quashed for  
want of form  
or removed  
into any court  
of record.

## CHAPTER LXXIX.

AN ACT for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same. [28th July 1800.]

Preamble.

**W**HEREAS the territorial possessions of the United Company of Merchants of England trading to the East Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same : And whereas by an Act of Parliament made and passed in the thirty-third year of the reign of his present Majesty, intituled " An Act for continuing in the East India Company for a further term the possession of the British territories in India, together with their exclusive trade, under certain limitations, for establishing further regulations for the government of the said territories and the better administration of justice within the same, for appropriating to certain uses the revenues and profits of the said company, and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay," it is enacted, that the whole civil and military government of the presidency of Fort Saint George on the coast of Coromandel, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa with the revenues of the same as had been and then were under the administration of the government or presidency of Fort Saint George, should be and were thereby vested in a governor and three counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations and restrictions as were therein mentioned ; and that the whole civil and military government of the presidency and island of Bombay on the coast of Malabar, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a governor and three counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty,

33 Geo. 3.  
c. 52.



by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the court of directors of the said company for the time being to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the government of the said presidency of Fort Saint George or the said presidency of Bombay, together with the revenues arising therefrom and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the government of either and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless in all cases to the superintendence, direction and controul of the Commissioners for the Affairs of India, in like manner as any acts or orders of the said court of directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom and the establishment of civil servants connected therewith, shall from and after the time, and subject as to such time to the conditions and limitations to be by the said court of directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the court or courts of judicature established or to be established therein respectively.

II. AND whereas his late Majesty King George the Second did by his letters patent, bearing date at Westminster the eighth day of January in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby amongst other things constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the united company's respective settlements at Madras Patnam, Bombay or the island of Bombay, and Fort William in Bengal: And whereas the said charter, in so far as it respects the administration of justice at Madras, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his present Majesty, intituled "An Act for the better administration of justice at Calcutta, Madras and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India:" And whereas the said charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed by virtue of an Act passed in the thirteenth year of his present Majesty, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," and by divers subsequent statutes: And whereas it may be expedient for the better administration of justice in the said settlement of Madras that a Supreme Court of Judicature should be established at Madras, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts before-mentioned at Fort William in Bengal: Be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras aforesaid, to consist of such and the like number of persons, to be

The court of directors may appoint what parts of the territorial acquisitions, revenues, &c. shall be subject to either and which of their presidencies, subject to the controul of the Commissioners for the Affairs of India.

Letters patent of Geo. 2., dated the 8th Jan. in the 21st year of his reign.

37 Geo. 3. c. 142.

13 Geo. 3. c. 63.

His Majesty may establish a Supreme Court of Judicature at Madras, to con-

sist of the like number of persons, and with the like powers, &c. as the Supreme Court at Fort William.

named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, Admiralty and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions and controul within the said Fort Saint George and town of Madras and the limits thereof and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Madras, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, or by this present Act, doth consist of, is invested with or subject to, within the said Fort William or the kingdoms or provinces of Bengal, Bahar and Orissa.

Exemption of the governor and council at Madras and the governor general of Fort William from the authority of the court.

III. PROVIDED always, that the governor and council at Madras and the governor general of Fort William aforesaid shall enjoy the same exemption, and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said governor general and council at Fort William aforesaid from the jurisdiction of the Supreme Court of Judicature there already by law established.

If his Majesty shall erect a supreme court at Madras, the records directed by Act 37 Geo. 3. c. 142. to be delivered over to the new courts, and those belonging thereto, shall be delivered over to the Supreme Court.

IV. AND be it further enacted, that if his Majesty, his heirs or successors, shall grant such charter as aforesaid, and erect such Supreme Court of Judicature at Madras as aforesaid, all the records, muniments and proceedings whatsoever of and belonging to the late Mayor's Court at Madras or to the late court of oyer and terminer and gaol delivery, which were by the said Act passed in the thirty-seventh year of his present Majesty directed to be delivered over, preserved and deposited in the new courts erected by virtue of the said Act, and all the records, muniments and proceedings whatsoever of and belonging to any of the said new courts, shall, from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Madras, be delivered over to be preserved and deposited for safe custody in the said new court of judicature, to which all parties concerned shall and may have resort and recourse upon application to the said court.

So much of the charter of his present Majesty for erecting the recorder's courts at Madras, &c. as relates to the appointment of a recorder, &c. at Madras, if a new charter be granted, shall be void; and the powers granted by 37 Geo. 3. c. 142. may be exercised by the Supreme Court.

V. AND be it further enacted, that so much of the charter granted by his present Majesty for erecting the courts of the recorder of Madras and Bombay, as relates to the appointment of such recorder and the erecting of such courts of judicature at Madras, in case a new charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Madras, from and immediately after such publication shall cease and determine and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said courts of the recorder at Madras shall cease and determine, and be no longer exercised by the said court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent herein-before directed.

The court of directors shall cause to be paid certain salaries to the chief justice and

VI. AND be it further enacted, that when the said Supreme Court of Judicature, which his Majesty is hereby empowered to erect, shall be erected, the court of directors of the said united company shall and they are hereby required to direct and cause to be paid certain and established salaries to the chief justice and each of the judges of such Supreme Court of Judicature

at Madras, as shall be by the said new charter established; that is to say, to the chief justice six thousand pounds by the year, and to each of the judges at the said Supreme Court of Judicature at Madras five thousand pounds by the year; and that such salaries shall be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Madras, at an exchange of eight shillings for the pagoda of that settlement.

VII. AND be it further enacted, that . . . . . all such salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever; and that no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

VIII. AND be it further enacted, that if the chief justice or any or either of the puisne judges of the Supreme Court of Judicature to be erected at Madras by virtue of this Act shall return to Europe from age, infirmity or other cause to be approved of by his Majesty, it shall and may be lawful for his Majesty, by warrant under the sign manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India to such chief justice or judge so returning: Provided always, that it shall not be lawful for his Majesty to direct any larger allowance to be made to such chief justice than the sum of one thousand six hundred pounds sterling, nor to either of the said puisne judges so returning than the sum of one thousand two hundred pounds sterling per annum; . . . . .

IX. PROVIDED always, and be it hereby further enacted, that when either of the judges of the Supreme Court of Judicature at Fort William, or of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, or the recorder of Bombay, shall respectively leave India, the salary now payable or which may become payable under and by virtue of this Act to any such judge or recorder respectively shall cease and be no longer paid, any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

X. AND be it further enacted, that whenever the office of recorder of Bombay shall become vacant, and no person shall be upon the spot who shall have been appointed by his Majesty to succeed to such recordership, in such case, and as soon as the same shall be made known to the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, the junior puisne judge of the said court shall and he is hereby directed and authorized to proceed with all convenient speed to the said settlement of Bombay, and shall take upon himself the office of recorder of the said settlement, and shall hold and exercise the same in as full and ample a manner, and with the like allowances and exemptions, as if he had been appointed recorder of the said settlement by his Majesty, or provisionally by virtue of the Act passed in the thirty-seventh year of his present Majesty's reign, and shall continue to hold and exercise the said office until a recorder shall have been appointed by his Majesty, and until such recorder shall arrive at the said settlement, and no longer: Provided always, that if at the time of the notification of such vacancy the establishment of the said Supreme Court at Madras shall not be full, and the establishment of the Supreme Court at Fort William shall be full, then and in such case only the junior puisne

judges of the Supreme Court to be established by the new charter, out of the territorial revenues of Madras.

Salaries to be in lieu of all perquisites.

If the chief justice or any of the puisne judges shall return to Europe, his Majesty may direct allowances to be made to them out of the revenues of the British territories in India, not exceeding a certain amount.

The salaries of the judges of the Supreme Courts and of the recorder of Bombay to cease on their leaving India.

How the vacant office of recorder at Bombay shall be supplied in case no successor shall be upon the spot.

judge of the said Supreme Court of Judicature at Fort William, as soon as the vacancy in the said office of recorder is made known to the said Supreme Court, shall in like manner proceed to take upon himself the said office of recorder at Bombay, and shall continue to hold and exercise the same in like manner to all intents and purposes as is herein-before provided, any thing in the said Act or in any other Act or Acts to the contrary thereof in anywise notwithstanding.

The governor and council at Fort St. George may frame regulations for the provincial courts and councils annexed to that presidency, as the governor general and council at Fort William may do for the better administration of justice in Bengal, &c.

XI. AND be it further enacted, that it shall and may be lawful to and for the governor and council at Fort Saint George aforesaid to frame regulations from time to time for the provincial courts and councils within the territories and provinces which now are or shall at any time hereafter be (and while the same shall so be) annexed to or made subject to the said presidency, in like manner, and subject to all the regulations, provisions and confirmations touching the same, as the governor general and council at Fort William aforesaid are by any Act now in force authorized and empowered to do for the better administration of justice among the native inhabitants and others being within the provinces of Bengal, Bahar and Orissa.

If the governor general of Fort William or the governor of Fort St. George or of Bombay shall signify his intended absence from the council, the senior member present shall preside; but no act of such council shall be valid unless signed by the governor general or governor respectively, if resident at the presidency and not prevented by indisposition; and if not so prevented, and he shall refuse to sign, he and the members who shall have signed shall mutually communicate the grounds of their opinions as directed by 33 Geo. 3. c. 52., in cases where he shall, when present, dissent from the council. The governor general, when absent, may nominate a

XII. AND be it further enacted, that if the governor general of Fort William in Bengal for the time being, or the governor of the said presidency of Fort Saint George and of the said presidency and island of Bombay respectively for the time being, shall happen to be absent from any council to be assembled for the said respective presidencies of Fort William and Fort Saint George and the said presidency and island of Bombay, owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such council so to be assembled, then and in every such case the senior member for the time being, who shall be present at the council so assembled, shall preside at such council in such manner, and with such full powers and authorities during the time that such council shall continue to be assembled, as such governor general or governor might or would have had in case such governor general or governor were himself actually present at such council: Provided nevertheless, that no act of any council so held shall be valid to any effect whatsoever, unless the same shall be signed by such governor general or governor respectively, if such governor general or governor shall at the time be resident at the presidency at which such council shall be so assembled, and shall not be prevented by such indisposition from signing the same: Provided always, that in case such governor general or governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of council, he and the several members of the council who shall have signed the same shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner, and subject to such regulations and ultimate responsibility of such governor general or governor respectively, as are by the said Act passed in the thirty-third year of the reign of his present Majesty provided and directed, in cases where such governor general or governor respectively shall, when present, dissent from any measure proposed or agitated in such council respectively: Provided also, that nothing herein contained shall be taken or construed to prevent such governor general, in case he shall be absent from his own government of Bengal, to nominate a vice president and deputy

governor of Fort William according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty.

vice president  
and deputy  
governor of  
Fort William.

\* \* \* \* \*  
XVII. AND whereas great inconveniencies have resulted from the manner in which the courts of requests for the recovery of small debts in the respective settlements of Fort William and Fort Saint George are constituted: Be it therefore further enacted, that it shall and may be lawful to and for the governor general and council of Fort William, and for the governor and council of Fort Saint George aforesaid for the time being respectively, to order and appoint in what manner the said courts respectively shall in future be formed, and to what amount in value, not exceeding the sum of four hundred sicca rupees, the jurisdiction of the same shall extend, and to frame and make such new rules and orders, and to establish and declare such new modes and forms of proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering and reforming the present constitution and practice of the said courts respectively, and by their proclamation, to be made and published in due form of law, to declare and notify to all persons concerned such new constitution, rules, orders, modes and forms of proceeding, and the time from whence they are to have force and effect; and from and after such time as shall be so respectively notified for that purpose, the present courts of requests, as well as the rules, orders, modes and forms of proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new court, rules, orders, modes and forms of proceeding, which the said governor general and council are authorized and empowered under and by virtue of this Act to make and publish, shall be in full force and effect, any former Act or Acts to the contrary thereof in anywise notwithstanding.

The governor  
general and  
council of Fort  
William and  
the governor  
and council of  
Fort St. George  
may order in  
what manner  
the courts of  
requests shall  
in future be  
formed, and to  
what amount  
the jurisdiction  
shall extend,  
&c.

XVIII. AND whereas the powers given by the Act of the thirteenth year of his present Majesty to the governor general and council of the said united company's settlement at Fort William aforesaid, to enforce the observance of such rules, ordinances or regulations for the good order and civil government of the said settlement, and other factories and places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing and levying reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances and regulations, have not been found sufficient for the preservation of good order in the said settlement: Be it therefore enacted, that it shall and may be lawful to and for the said governor general and council for the time being, in addition to or instead of such fines and forfeitures as above mentioned, to order or appoint such moderate and reasonable corporal punishment, by publick or private whipping or otherwise, as to them shall seem fit and expedient, for the breach or non-observance of any such rules heretofore made or hereafter to be by them made by virtue of the authority herein-before recited, subject nevertheless to such registry, publication, approbation, power of appeal and other regulations, as in and by the said recited Act passed in the thirteenth year of his present Majesty are prescribed and provided touching the rules, ordinances, regulations, fines and forfeitures therein and herein-before mentioned.

The governor  
general and  
council at Fort  
William may  
order corporal  
punishment for  
breach of rules  
made under  
authority of 13  
Geo. 3. c. 63.

XIX. PROVIDED always, and be it further enacted, that no such corporal punishment shall in any case be ordered to be inflicted, except only in case

No corporal  
punishment to  
be ordered

except on conviction before two justices.

No conviction to be reviewed.

From March 1, 1801, the power of the Supreme Court of Judicature of Fort William shall extend over the province of Benares and all places subordinate thereto, and all districts hereafter annexed to the presidency of Fort William.

From March 1, 1801, whenever any British subject shall die within either of the presidencies or subordinate territories, and no next of kin or creditor shall appear, the register of the ecclesiastical court shall apply for letters of administration, and shall collect the assets of the deceased and bring them into court, and account for them.

of due conviction of the offender before two justices of the peace acting in and for the said settlement, presidencies, and places thereto subordinate; which offence such two justices of the peace are hereby authorized and empowered to hear and determine, and to order such punishment upon conviction as aforesaid: Provided also, that no such conviction, judgement or order shall be reviewed or brought into any superior court by writ of certiorari or appeal or any other process whatsoever, any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

XX. AND whereas the province or district of Benares has been ceded to the said united company and been annexed to the said presidency of Fort William in Bengal since the establishment of the said Supreme Court of Judicature at Fort William aforesaid, and it is expedient that the same should be subject to the jurisdiction of the said court in like manner as the kingdoms or provinces of Bengal, Bahar and Orissa, and that the said province or district, and all other provinces or districts which may hereafter be at any time annexed and made subject to the said presidency, should be subject to such regulations as the governor general and council of Fort William aforesaid have framed or may frame for the better administration of justice among the native inhabitants and others within the same respectively: Be it therefore further enacted, that from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one the power and authority of the said Supreme Court of Judicature in and for the said presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts and places, which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said presidency of Fort William aforesaid.

XXI. AND whereas great inconveniencies have arisen from the practice of granting letters of administration by the said Supreme Court of Judicature at Fort William aforesaid, in cases where the next of kin or any of the creditors of the deceased do not apply for the same, to persons calling themselves friends of the deceased: Be it therefore further enacted, that from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, whenever any British subject shall die intestate within either of the presidencies of Fort William, Fort Saint George or Bombay, or the territories subordinate to either of the said presidencies or to become subordinate thereto, and on return of the citation to be issued from the proper ecclesiastical court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased to the satisfaction of the said court, it shall and may be lawful for the register of such court respectively, and he is hereby required, to apply for, and such court is hereby required and directed to grant, such letters ad colligenda or of administration as to such court shall seem meet; by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such court, and account for them regularly, in like manner as is now by

law provided in cases where assets are vested in the hands of any officer of the court under or by virtue of the equitable jurisdiction of any such court.

XXII. PROVIDED always, and be it further enacted, that when any next of kin or creditor, who at the time of the return of the above citation shall have been absent in Europe or elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters ad colligenda or of administration granted by virtue of this Act to the said register shall be recalled, and administration in due form granted to such next of kin or creditor respectively.

When any next of kin or creditor who shall have been absent shall make out his claim, the letters of administration to the register shall be recalled, and letters granted to the claimant.

XXIII. AND whereas doubts may have arisen whether any of the courts of judicature established in India by virtue of his Majesty's charter are competent to administer adequate relief to insolvent debtors who stand charged in execution for debts under a certain amount, according to the provisions of an Act passed in the thirty-second year of his late Majesty's reign, commonly called The Lord's Act: Be it therefore further enacted, that it shall and may be lawful for the judge of the said Supreme Court at Fort William, and of the Supreme Court which his Majesty is empowered by this Act to erect at Madras, or for the court of the recorder at Bombay, to make and publish such rules and orders as to them respectively shall seem meet, for extending to such insolvent debtors as shall be in execution under the process of such respective courts, or of any court previously established at such presidency respectively, for sums under the amount to be prescribed by such rules and orders, the relief intended by the said Act, and to prescribe and order what weekly sum the creditor or creditors, at whose suit such debtor stands charged in execution, shall be obliged to pay and allow, in case such creditor or creditors shall insist on such debtor being detained in custody, and to adopt and proportion the same, as well as the amount of such debt as above-mentioned, to the general state and condition of such debtors, whether natives or Europeans, under the jurisdiction of such court respectively; and such courts are hereby authorized and empowered, as soon as such rules and orders shall have been made and established, to proceed to act upon the same accordingly as cases may arise to require the same, and to make such orders in such cases as may be necessary to carry the same fully into effect: Provided always, that all such rules and orders as are first above mentioned, for prescribing the mode in which such relief shall be administered, shall be transmitted to the president of the board of commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction or revision, and such rules and orders shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

The judge of the Supreme Court at Fort William and of the Supreme Court to be erected at Madras, and the court of the recorder at Bombay, may make rules for extending to insolvent debtors the relief intended by 82 Geo. 2. [c. 28.]

XXIV. AND be it further enacted, that all rules and orders heretofore made or hereafter to be made previous to the notification of this present Act in such presidencies respectively by any of the courts above-mentioned, or any court previously established in either of the said presidencies, for the relief and discharge of such insolvent debtors, and all acts by them or either of them done or commanded in pursuance thereof, shall be and they are hereby ratified and confirmed; and all present actions and suits, indictments, informations, and all molestations, prosecutions and proceedings whatsoever, which may have been or may be had, commenced or prosecuted, against any

All rules made previous to the notification of this Act in the presidencies for the relief of insolvent debtors shall be confirmed, and all suits commenced for acting under them shall be void.

person whomsoever, for acting or having acted under and in obedience to any such rules or orders, are and shall be discharged, annulled and utterly made void and of no effect, to all intents and purposes, by virtue of this Act.

His Majesty may appoint commissioners for carrying into execution a commission for the trial and adjudication of prize causes, &c. in India.

XXV. AND whereas it may be expedient for his Majesty, his heirs or successors, to issue a commission from his High Court of Admiralty in England for the trial and adjudication of prize causes and other maritime questions arising in India: Be it therefore further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint all or any of the judges of the Supreme Court of Judicature at Fort William aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at Madras, or the court of the recorder at Bombay, either alone or jointly with any other persons to be named in such commission, to be commissioners for the purpose of carrying such commission so to be issued as aforesaid into execution, any Act or Acts to the contrary thereof in anywise notwithstanding.

### CHAPTER LXXXI.

AN ACT to repeal an Act made in the Fourteenth Year of the Reign of his present Majesty, intituled "An Act to prevent Frauds in the buying and selling of Hops," and for the better Collection of the Duty on Hops; and to prevent Frauds and Abuses in the Trade of Hops.

[28th July 1800.]

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Hops not to be bagged in bags of greater weight than in the proportion of 10 lb. for every 112 lb. of the gross weight of bag and hops, on penalty of 20l.

III. AND be it further enacted, that no owner, planter or grower of hops shall bag any hops in any bag, the weight of which bag shall be greater in proportion to the gross weight of such bag and the hops contained therein than ten pounds for every one hundred and twelve pounds of the said gross weight of such bag and the hops contained therein; and if any owner, planter or grower of hops shall bag any hops in any bag, the weight of which bag shall be greater in proportion to the gross weight of such bag and the hops contained therein than ten pounds for every one hundred and twelve pounds of the gross weight of such bag and the hops contained therein, then and in every such case every owner, planter or grower so offending shall for each and every such offence forfeit the sum of twenty pounds.

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### CHAPTER LXXXVIII.

AN ACT concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors; and also of the Real and Personal Property of Her Majesty, and of the Queen Consort for the Time being.

[28th July 1800.]

Preamble.  
1 Ann. c. 1.

WHEREAS in and by an Act passed in the first year of the reign of her late Majesty Queen Anne, intituled "An Act for the better support of her Majesty's household and of the honour and dignity of the Crown," it was (amongst other things) enacted, that all and every grant, lease or other assurance, which from and after the twenty-fifth day of March one thousand seven hundred and two should be made or granted by her said Majesty, her heirs or successors, kings or queens of this realm, under the great seal of



England, Exchequer seal, seals of the duchy and county palatine of Lancaster, or any of them, or by copy of court roll, or otherwise howsoever, of any manors, messuages, lands, tenements, rents, tythes, woods or other hereditaments (advowsons of churches and vicarages only excepted), within the kingdom of England, dominion of Wales or town of Berwick upon Tweed, or any of them or any part thereof, then belonging or thereafter to belong to her Majesty, her heirs or successors, or to any other person or persons in trust for her Majesty, her heirs and successors, in possession, reversion, remainder, use or expectancy, whether the same were or should be in right of the Crown of England, or as part of the principality of Wales or of the duchy or county palatine of Lancaster, or otherwise howsoever, to any person or persons, bodies politick or corporate whatsoever, whereby any estate or interest whatsoever in law or equity should or might pass from her Majesty, her heirs or successors, should be utterly void and of none effect, unless such grant, lease or other assurance should be made for some term or estate not exceeding thirty-one years or three lives, or for some term of years determinable on one, two or three lives, and unless such grant, lease or assurance respectively should be made to commence from the date or making thereof; and if such grant, lease or assurance should be made to take effect in reversion or expectancy, that then the same, together with the estate or estates in possession of and in the premises therein contained, should not exceed three lives or the term of thirty-one years in the whole, with various other provisions and restrictions; but in the said Act there is a proviso that the said Act should not extend to disable her Majesty, her heirs or successors, to make certain leases, copies or grants of offices, lands or hereditaments, parcel of the duchy of Cornwall, as therein mentioned, or to disable her Majesty, her heirs or successors, to make any grant or restitution of any estate or estates thereafter to be forfeited for any treason or felony whatsoever, or to disable her Majesty, her heirs or successors, to grant, demise or assign any lands, tenements or hereditaments, which should be seized or taken into her or their hands upon any outlawry at the suit of her or their subjects as had been usual, or any estate whatsoever which was or should be seized, extended or taken in execution for any debt owing or to be due to the Crown, as she or they should think fit, or to make any grants or admittances which of right or custom ought to be made of any copyhold lands, tenements or hereditaments, parcel of any manor or manors of her Majesty, her heirs or successors, or to disable the trustees for sale of fee farm and other rents therein mentioned from executing the powers vested in them as therein mentioned: And whereas in and by an Act made in the first year of the reign of his present Majesty, intituled "An Act for the support of his Majesty's household and of the honour and dignity of the Crown of Great Britain," it is (amongst other things) enacted, that the revenue arising to his Majesty by rents of lands, or for fines of leases of the same or any of them (except the revenue of the duchy of Cornwall), should from and immediately after the demise of his late Majesty King George the Second be during his present Majesty's life carried to and made part of the general aggregate fund established by the Act of the first year of the reign of his late Majesty King George the First, and be during the said term issued and applied in the manner therein-after mentioned to the uses to which the said fund was or should be

1 Geo. 3. c. 1.

and 34 Geo. 3.  
c. 75. recited.

made applicable: And whereas in and by another Act made in the thirty-fourth year of the reign of his present Majesty, intituled "An Act for the better management of the land revenue of the Crown, and for the sale of fee farm and other improveable rents," further provisions are made touching grants, leases and other assurances, which should be made or granted by his Majesty, his heirs or successors, under the great seal or seal of the Exchequer, or either of them, of any manors, messuages, lands, tenements or hereditaments, within the kingdom of England and dominion of Wales, or any of them or any part thereof, then belonging or thenafter to belong to his Majesty, his heirs or successors, and being within the ordering and survey of the Exchequer in England: And whereas his Majesty has purchased certain freehold and customary or copyhold and leasehold manors, lands, tenements and hereditaments, out of the monies issued and applied for the use of his privy purse, or with other monies not appropriated to any particular service, and which said manors, lands, tenements and hereditaments have been conveyed or surrendered to his Majesty or to some person or persons in trust for his Majesty, and his Majesty hath hitherto held and enjoyed the same as his sole and exclusive property; but by reason of the general words used in the said Act in the first year of her late Majesty Queen Anne the freehold lands, tenements and hereditaments so purchased by his Majesty, and such as may hereafter be purchased out of such monies as aforesaid, may be deemed subject to the restrictions and provisions contained in the said Acts; and it may be doubted whether such copyhold or customary and leasehold purchases by or in trust for his Majesty as aforesaid do not also fall within the said recited Acts: And whereas it is reasonable that all manors, lands, tenements or hereditaments of any tenure whatsoever, which have been or shall be purchased by and conveyed to or in trust for his Majesty, or which shall be purchased by and conveyed to or in trust for his Majesty's heirs and successors, out of monies issued and applied for the use of his or their privy purse, or with any monies not appropriated to any publick service, and also all manors, lands, tenements or hereditaments, which have come to his Majesty or shall or may hereafter come to his Majesty, his heirs or successors, by the gift or devise of or by descent or otherwise from any ancestor or other person, not being King or Queen of this realm, should be held and enjoyed by his Majesty, his heirs and successors, freed and discharged from all the provisions and restrictions of the said recited Acts of the first year of her late Majesty Queen Anne and the first and thirty-fourth years of his present Majesty (except as hereinafter provided), and should be saleable and disposeable either by grant or otherwise in his or their lifetime, or by his or their last will and testament in writing, in such manner as he or they shall think fit: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that none of the provisions or restrictions contained in the said Acts of the first year of her said late Majesty Queen Anne and the first and thirty-fourth years of the reign of his present Majesty shall extend to any manors, messuages, lands, tenements or hereditaments, of whatsoever tenure the same may be, which have at any time heretofore been purchased by his Majesty or shall at any time hereafter be purchased by his Majesty, his heirs or successors, out of any monies issued

None of the provisions in the recited Acts shall extend to manors, &c. purchased by his Majesty, his heirs or successors, out of monies not appropriated to any publick service, nor to manors, &c. which have

and applied for the use of his or their privy purse, or with any other monies not appropriated to any publick service, or to any manors, messuages, lands, tenements or other hereditaments, of whatsoever tenure the same may be, which have come to his Majesty or shall or may come to him or his heirs or successors by the gift or devise of or by descent or otherwise from any of his, her or their ancestors, or any other person or persons, not being kings or queens of this realm; and the intent of this enactment is that the same shall operate to all intents and purposes as from the birth of his present Majesty.

II. AND be it further enacted, that all and singular the manors, lands, tenements and hereditaments of copyhold or customary tenure or of leasehold tenure, which have been purchased by his Majesty as aforesaid, or which have come to his Majesty by the gift or devise of or by descent or otherwise from any of his ancestors, or any other persons, not being kings or queens of this realm, whether the same have been surrendered or assigned to his Majesty or to any person or persons in trust for his Majesty, shall be and the same are hereby vested in James Earl of Cardigan, his heirs, executors and administrators, according to the tenure of such manors, lands, tenements, and hereditaments respectively, in trust nevertheless for his Majesty; and that all such copyhold or customary and leasehold lands, tenements and hereditaments respectively, as shall be purchased in manner aforesaid by his Majesty, his heirs or successors, or shall come to his Majesty, his heirs or successors, by the gift or devise of or by descent or otherwise from any of his or their ancestors, or any other persons, not being kings or queens of this realm, shall be vested in some trustee or trustees for his Majesty, his heirs and successors, from time to time to be respectively named or appointed by instrument in writing under the sign manual of his Majesty, his heirs and successors respectively; and the said James Earl of Cardigan and such other trustee or trustees as aforesaid shall be duly admitted to such copyhold or customary lands, tenements or hereditaments as aforesaid by the lords or ladies of the manor or manors of which the same shall be holden, according to the nature of the estate therein, on payment of such fines and subject to such rents, services and customs as of right shall be due and accustomed in respect thereof; and the said James Earl of Cardigan and such other trustee or trustees as aforesaid shall be deemed, as in respect of the lords or ladies of such manors respectively, and all other persons whatsoever, to be the true and only tenants of such copyhold or customary lands, tenements and hereditaments respectively, so that no lord or lady of any manor nor any other person or persons shall be prejudiced thereby.

III. PROVIDED always, that nothing herein contained shall extend to defeat or impeach any grant or disposition which hath been already made by his Majesty, or by his direction, of any manors, messuages, lands, tenements or hereditaments so purchased by his Majesty as aforesaid, and conveyed, surrendered, or assured to or in trust for his Majesty; but all such grants and dispositions respectively shall be valid and effectual to all intents and purposes as the same would have been, if they had been made after the passing of or were conformable to the provisions in this Act contained.

IV. AND be it further enacted, that notwithstanding any thing in the said recited Acts contained, or any other statute, law, custom or usage to the contrary, it shall be lawful for his Majesty, his heirs and successors, from time

come to his Majesty or shall come to him or his heirs or successors from any person not being kings or queens of the realm. Enactment to operate as from the birth of his Majesty.

Such copyhold or leasehold manors, &c. so purchased, &c. shall be vested in the Earl of Cardigan in trust, and such as shall be purchased, &c. shall be vested in such trustees as his Majesty shall appoint.

Trustees to be admitted to the lands according to the nature of the estate therein, and shall be deemed the tenants.

Grants already made by his Majesty not to be defeated by this Act.

His Majesty, his heirs and successors, may sell or devise such

manors, &c. as his Majesty's subjects may like manors, &c. belonging to them.

Trustees shall convey such manors, &c. as his Majesty, &c. shall direct.

Provisions for conveyance of trust estates by infants, &c. shall extend to trustees for his Majesty.

If no disposition of such manors, &c. be made by his Majesty, or a disposition be made which shall not exhaust the whole, the manors, &c. undisposed of shall descend as if this Act had not been made, subject to certain provisions.

Freeholds which shall so descend shall be subject to the restrictions of the recited Acts.

Manors, &c. so vested in his Majesty or in

to time, by any instrument under his and their royal sign manual attested by two or more witnesses, or by his and their last will and testament in writing, or any writing in the nature of a last will or testament, to be signed and published by his Majesty, his heirs and successors respectively, in the presence of and to be attested by three or more witnesses, at his and their free will and pleasure, to grant, sell, give or devise all and every or any of the manors, messuages, lands, tenements and hereditaments, so purchased or to be purchased by or which have or shall so come to his Majesty, his heirs or successors as aforesaid, whether of freehold or copyhold or customary or leasehold tenure, and whether conveyed or assured to or otherwise vested in his Majesty, his heirs or successors, or to or in any person or persons in trust for his Majesty, his heirs or successors as aforesaid, unto any person or persons, for any estate or estates, or for any intents or purposes, his Majesty, his heirs or successors respectively shall think fit, as any of his Majesty's subjects may grant, sell, give or devise any the like manors, messuages, lands, tenements and hereditaments respectively, belonging to such subjects respectively, by their respective deeds or other instruments or last wills and testaments respectively; and all and every person and persons who shall be seised or possessed of or entitled to any such manors, messuages, lands, tenements or hereditaments respectively, or any estate or interest therein respectively, in trust for his Majesty, his heirs or successors respectively, shall convey, surrender, assign or otherwise assure the same, in such manner as his Majesty, his heirs or successors, under his or their royal sign manual respectively, to be attested as aforesaid, shall direct; and all and every of the provisions made by law for the conveyance of trust estates by infants, idiots and lunatics, shall extend to such persons as are or shall be a trustee or trustees for his Majesty, his heirs and successors respectively, and such trust estates shall be conveyed, surrendered and assured by such infants, idiots and lunatics, or the committees of such idiots or lunatics accordingly.

V. AND be it further enacted, that if no disposition by grant, will or otherwise shall be made in pursuance of this Act by his Majesty, his heirs or successors, of any such manors, messuages, lands, tenements and hereditaments as aforesaid, or if any disposition which shall be so made shall not exhaust the whole estate or interest of his Majesty, his heirs or successors respectively, in the same, then and in every such case all such manors, messuages, lands, tenements and hereditaments, whereof no such disposition shall be made as aforesaid, or so much of the estate and interest therein respectively as shall not have been so disposed of, shall descend and go in such and the same manner, on the demise of his Majesty, his heirs and successors respectively, as the same would have descended and gone if this Act had not been made, subject nevertheless to the provisions herein-after contained as to so much thereof as shall be personal estate of his Majesty and his successors; and all and every of such manors, messuages, lands, tenements and hereditaments, being of freehold tenure in fee simple, which shall so descend on the demise of his Majesty, or any King or Queen of this realm, shall be subject to all the restrictions in the said recited Acts contained, in the same manner as the same would have been subject thereto if this Act had not been made.

VI. AND be it further enacted, that all and every of such manors, messuages, lands, tenements and hereditaments, whether of freehold or copyhold

or customary or leasehold tenure, which shall be so as aforesaid from time to time vested in his Majesty, his heirs or successors, or in any person or persons in trust for his Majesty, his heirs and successors respectively, shall from time to time be subject and liable to all such taxes, rates, duties, assessments and other impositions, parliamentary and parochial, as the same would have been subject and liable to, if the same had been the property of any subject of this realm; and all such rates, taxes, assessments and impositions shall, so long as the said manors, messuages, lands, tenements and hereditaments shall be vested in his Majesty, his heirs or successors, or in any person or persons in trust for his Majesty, his heirs or successors as aforesaid, be ascertained, rated, assessed or imposed thereon, in the same manner and form in all respects as if the same manors, messuages, lands, tenements and hereditaments respectively were the absolute and beneficial estate of any of his Majesty's subjects; but nevertheless such rates, taxes, assessments and impositions shall be paid and payable in the manner herein-after directed, and not otherwise.

trustees shall  
be subject to  
all taxes.

VII. AND be it further enacted, that so long as any such manors, messuages, lands, tenements or hereditaments shall be or remain vested in his Majesty, his heirs and successors, or in any trustee or trustees for his Majesty, his heirs or successors as aforesaid, freed and discharged from the provisions and restrictions in the said recited Acts respectively, all taxes, rates, duties, assessments, impositions, rents and other annual payments, fines and other outgoings, which shall from time to time be charged and chargeable upon or be or become due and payable in respect of all such manors, messuages, lands, tenements and hereditaments respectively, shall be paid and discharged out of the privy purse of his Majesty, his heirs and successors respectively, and accounts thereof shall from time to time be returned to the person or persons for the time being executing the office of his Majesty's privy purse, or his or their deputy, who shall, by and out of any monies in his or their hands applicable for the use of his Majesty, pay and discharge the same.

Taxes, &c.  
charged upon  
such manors,  
&c. to be paid  
out of the  
privy purse.

VIII. AND whereas by the law of England the Queen consort, wife of the King, is capable of taking, granting or disposing of property as if she were a feme sole, but doubts may arise how far this capacity of granting or disposing of property extends, and especially whether during the life of the King her husband it includes the power of devising and bequeathing by last will and testament: And whereas his Majesty is desirous that her Majesty Queen Charlotte, his Majesty's royal consort, during his Majesty's life should have full and complete power, as well by her last will and testament as by deed, to grant, alien and dispose of any manors, messuages, lands, tenements, rents, tythes and hereditaments, which have been purchased by or in trust for or otherwise vested in her Majesty, or which shall hereafter be purchased by or in trust for or shall be otherwise vested in or in trust for her Majesty, under and by virtue of any deed, gift, will or otherwise, except as herein-after is mentioned, and of any goods and chattels, whether real or personal, and personal estate of what kind soever belonging to her Majesty, in the same manner as her Majesty might dispose thereof if she were sole and unmarried, and it may be convenient that the like power should be secured to every Queen consort of this realm for the time being: Now therefore be it further enacted, that it shall be lawful for her Majesty at any time or times during the joint lives of their Majesties, by deed under her hand and seal, to be executed in the

Her Majesty  
during the  
joint lives of

their Majesties, by deed or by will, may dispose of manors, &c. purchased by or in trust for or that may vest in her Majesty or in trust for her, and may bequeath all such chattels and personal estate as if she were sole ;

presence of and attested by two or more witnesses, or by her last will and testament in writing, or any writing in the nature of a last will and testament, to be signed and published by her in the presence of and attested by three or more witnesses, to grant, give, alien, dispose of, convey or devise any manors, messuages, lands, tenements and hereditaments, which have at any time heretofore been purchased or which shall at any time hereafter be purchased by or in trust for her Majesty, or which shall hereafter come to or devolve upon or vest in her Majesty or any person or persons in trust for her, for any estate of inheritance or freehold or for any copyhold or customary estate, under or by virtue of any deed, gift, will or otherwise, for all or any part of such estate, right and interest as her Majesty or such person or persons in trust for her now hath or have or shall or may have in any such manors, messuages, lands, tenements and hereditaments, and also by her last will and testament in writing to give and bequeath all such chattels and personal estate whatsoever as aforesaid, unto any person or persons and for any intents and purposes and in any manner she shall think fit, as fully and effectually in all respects as she could or might grant, convey, alien, dispose of, give, devise or bequeath the same, if she were sole and unmarried.

as also any Queen of this realm during the joint lives of the King and such Queen consort.

IX. AND be it further enacted, that it shall be lawful for any Queen for the time being of this realm, being the consort of his Majesty or any of his successors, in like manner, at any time or times during the joint lives of the King and such Queen consort for the time being, by deed under her hand and seal, or by her last will and testament in writing, to be respectively executed, signed, published and attested as aforesaid, to grant, convey, alien, dispose of, give or devise any manors, messuages, lands, tenements and hereditaments, which shall be purchased by or in trust for her, or which shall come to or devolve upon or vest in her or any person or persons in trust for her, for any estate of inheritance or freehold or any copyhold or customary estate, under and by virtue of any deed, gift, will or otherwise, for all or any part of such estate, right and interest as she or such person or persons in trust for her shall have in any such manors, messuages, lands, tenements or hereditaments, and also by her last will and testament in writing to give and bequeath all such her chattels, whether real or personal, and personal estate whatsoever, to any person or persons and for any intents and purposes she shall think fit, as fully and effectually in all respects as if she were sole and unmarried: Provided always, that nothing in this Act contained shall extend to enable her Majesty or any Queen consort of this realm to make any grant, conveyance or disposition of any palace or capital mansion house, gardens, lands or hereditaments, belonging to his Majesty or any of his successors in right of the crown, which now are or hereafter shall be vested in her Majesty or in any such Queen consort for her life, as and for her jointure or otherwise, under any letters patent of his Majesty or any of his successors or by Act of Parliament, or to make any grant, conveyance or disposition, which her Majesty and such Queen consort could not make, if sole and unmarried.

Act not to enable her Majesty or any Queen consort to dispose of any palace, &c. belonging to the King in right of the crown vested in her for life.

X. AND whereas it is his Majesty's most gracious desire that all such personal estate and effects as his Majesty shall be possessed of or entitled to at the time of his demise, and over which he shall have the full and absolute power of disposition by his last will and testament, should be subject and liable to the payment of all such debts of his Majesty as shall during his

lifetime be properly payable out of his privy purse : And whereas it is reasonable that all such personal estate and effects as any of his Majesty's successors, kings or queens of this realm, shall be possessed or entitled to in like manner should also be subject and liable to the like charge ; and it is expedient to fix and regulate what personal estate and effects of his Majesty and his successors are subject to such testamentary disposition, and in what form such disposition shall be made : Now therefore be it further enacted and declared, that all such personal estate of his Majesty and his successors respectively, as shall consist of monies which may be issued or applied for the use of his or their privy purse, or monies not appropriated to any publick service, or goods, chattels or effects which have not or shall not come to his Majesty or shall not come to his successors respectively with or in right of the crown of this realm, shall be deemed and taken to be personal estate and effects of his Majesty and his successors respectively subject to disposition by last will and testament ; and that such last will and testament shall be in writing, under the sign manual of his Majesty and his successors respectively, or otherwise shall not be valid ; and that all and singular the personal estate and effects, whereof or whereto his Majesty or any of his successors shall be possessed or entitled at the time of his and their respective demises, subject to such testamentary disposition as aforesaid, shall be liable to the payment of all such debts as shall be properly payable out of his or their privy purse ; and that, subject thereto, the same personal estate and effects of his Majesty and his successors respectively, or so much thereof respectively as shall not be given or bequeathed or disposed of as aforesaid, shall go in such and the same manner on the demise of his Majesty and his successors respectively, as the same would have gone if this Act had not been made.

Monies for the privy purse or not appropriated to any publick service, or effects which shall not come to his Majesty or to his successors in right of the crown, shall be deemed personal estate, and subject to disposition by will in writing and shall be liable to all debts payable out of the privy purse.

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## CHAPTER LXXXIX.

AN ACT for the better preventing the Embezzlement of his Majesty's Naval, Ordnance and Victualling Stores. [?] [28th July 1800.]

**W**HEREAS by an Act of Parliament made and passed in the twenty-second year of the reign of King Charles the Second, intituled " An Act for taking away the benefit of clergy from such as steal cloth from the rack, and from such as shall steal or embezzle his Majesty's ammunition and stores," it is amongst other things enacted, that no person or persons who shall feloniously steal or embezzle any of his Majesty's sails, cordage, or any other his Majesty's naval stores, to the value of twenty shillings, and be thereupon found guilty in manner therein mentioned, shall be admitted to have the benefit of his or their clergy, but utterly be excluded thereof, and shall suffer death in such manner and form as they should if they were no clerks : And whereas by an Act of Parliament made and passed in the ninth and tenth years of the reign of King William the Third, intituled

Preamble.  
22 Cha. 2. c. 5.

[\* Rep., except as to Scotland, so far as relates to naval and victualling stores, 25 & 26 Vict. c. 64. s. 4. ; and also, except as to Scotland, so far as relates to military or ordnance stores, or other her Majesty's stores under the charge or control of the Secretary of State for War, 30 & 31 Vict. c. 128. s. 4.]

9 Will. 3.  
c. 41.

" An Act for the better preventing the embezzlement of his Majesty's stores  
" of war, and preventing cheats, frauds and abuses in paying seamen's  
" wages," a penalty of two hundred pounds, with costs of prosecution, is  
inflicted upon persons in whose custody, possession or keeping shall be found,  
or who shall conceal contrary to the said Act any warlike, naval or ordnance  
stores marked in such manner as therein mentioned: And whereas by  
another Act of Parliament made and passed in the ninth year of the reign  
of King George the First, intituled " An Act for continuing some laws and

9 Geo. 1. [c. 8.]  
and

" reviving others therein mentioned, for exempting apothecaries from serving  
" parish and ward offices and upon juries, and relating to jurors, and to the  
" payment of seamen's wages and the preservation of naval stores and  
" stores of war, and concerning the militia and trophy money, and against  
" clandestine running of uncustomed goods, and for more effectual preventing  
" frauds relating to the customs and frauds in mixing silks with stuffs to  
" be exported," it is enacted, that if any person or persons shall be lawfully  
convicted of having in his, her or their custody, or of concealing any timber,  
thick stuff or plank marked with the broad arrow, by stamp, brand or  
otherwise, every such person shall suffer, forfeit and pay as for having,  
keeping or concealing any other warlike, naval or ordnance stores contrary  
to the said Act of the ninth and tenth years of King William the Third;  
and by the said last-recited Act power is given to the judge, justice or  
justices, before whom any offender shall be convicted of any of the crimes  
or offences before recited, to mitigate the penalty for the same as he or they  
shall see cause, or to punish such offender corporally by causing him, her or  
them to be publicly whipt or committed to some publick workhouse, there  
to be kept to hard labour for the space of six months, or a less time, as to  
such judge, justice or justices in his or their discretion shall seem meet:  
And whereas by another Act of Parliament made and passed in the seven-  
teenth year of the reign of King George the Second, intituled " An Act

17 Geo. 2.  
[c. 40.] re-  
cited.

" to continue the several laws therein mentioned for preventing theft and  
" rapine on the northern borders of England, for the more effectual punishing  
" wicked and evil-disposed persons going armed in disguise, and doing  
" injuries and violences to the persons and properties of his Majesty's  
" subjects, and for the more speedy bringing the offenders to justice, for  
" continuing two clauses to prevent the cutting or breaking down the bank  
" of any river or sea bank, and to prevent the malicious cutting of hop binds,  
" and for the more effectual punishment of persons maliciously setting on  
" fire any mine, pit or delph of coal or cannel coal, and of persons unlawfully  
" hunting or taking any red or fallow deer in forests or chaces, or beating  
" or wounding the keepers or other officers in forests, chaces or parks, and  
" for granting a liberty to carry sugars of the growth, produce or manu-  
" facture of any of his Majesty's sugar colonies in America from the said  
" colonies directly to foreign parts in ships built in Great Britain and  
" navigated according to law, and to explain two Acts relating to the  
" prosecution of offenders for embezzling naval stores or stores of war, and  
" to prevent the retailing of wine within either of the universities in that  
" part of Great Britain called England, without licence," it is amongst other  
things declared and enacted, that it shall and may be lawful to and for any  
judge, justice or justices at the assizes, or justices of the peace at the general



quarter sessions to be holden as therein mentioned, to hear, try and determine, by indictment or otherwise, all or any the crimes or offences mentioned in the therein and herein recited Acts of the ninth and tenth years of the reign of King William the Third and the ninth year of the reign of King George the First, and that the said judge, justice or justices of assize, or justices of the peace may impose any fine not exceeding the sum of two hundred pounds on such offender or offenders, and may mitigate the said penalty and forfeitures inflicted by the said recited Acts or either of them, or in lieu thereof punish such offender or offenders in the premises corporally, by causing him, her or them to be publickly whipt and committed to some house of correction or publick workhouse, there to be kept to hard labour for the space of three months, or less time, as to such judge, justice or justices of assize, or justices of the peace shall in his or their discretion seem meet: And whereas notwithstanding the penalties and punishments inflicted by the said recited Acts, the stealers, embezzlers and receivers of his Majesty's warlike and naval, ordnance and victualling stores have greatly increased, so that it is become necessary to make some further and more effectual provision for preventing their wicked practices in future: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act every person or persons (such person or persons not being a contractor or contractors, or employed as in the said recited Act of the ninth and tenth years of the reign of King William the Third is mentioned), who shall willingly or knowingly sell or deliver, or cause or procure to be sold or delivered, to any person or persons whomsoever, or who shall willingly or knowingly receive or have in his, her or their custody, possession or keeping, any stores of war, or naval, ordnance or victualling stores, or any goods whatsoever marked as in the said recited Acts are expressed, or any canvas marked either with a blue streak in the middle or with a blue streak in a serpentine form, or any bewper, otherwise called buntin, wrought with one or more streaks of raised tape (the said stores of war, or naval, ordnance or victualling stores, or goods above mentioned, or any of them, being in a raw or unconverted state, or being new or not more than one-third worn), and such person or persons who shall conceal such stores or goods, or any of them, marked as aforesaid, shall be deemed receivers of stolen goods, knowing them to have been stolen, and shall, on being convicted thereof in due form of law, be transported beyond the seas for the term of fourteen years, in like manner as other receivers of stolen goods are directed to be transported by the laws and statutes of this realm, unless such person or persons shall, upon his, her or their trial, produce a certificate under the hands of three or more of his Majesty's principal officers or commissioners of the navy, ordnance or victualling, expressing the numbers, quantities, or weights of such stores or goods as he, she or they shall then be indicted for, and the occasion and reason of such stores or goods coming to his, her or their hands or possession.

II. AND be it further enacted by the authority aforesaid, that such person or persons (not being a contractor or contractors or employed as aforesaid) in whose custody, possession or keeping any of the said stores called canvas,

Every person (not being a contractor, &c.) who shall sell or receive any stores of war, &c., or who shall conceal them, shall be deemed a receiver of stolen goods and be transported for 14 years, unless he produces on the trial a certificate from the navy board, &c.

Persons in whose custody shall be found canvas or bunt-

ing marked as herein mentioned (not being charged to be new or not more than one-third worn), and persons who shall be convicted of any offence contrary to so much of the Act 9 Will. 3. c. 41. as relates to warlike stores, shall, besides the forfeiture thereby imposed, suffer corporal punishment. Penalty may be mitigated.

Nothing herein or in 9 Will. 3. c. 41. to exempt contractors, &c., except so far as concerns stores which shall not have been before delivered into his Majesty's store, unless they have been sold or returned by the commissioners.

If any person shall deface any mark denoting the property of his Majesty in any stores, or shall employ any person so to do, he shall be guilty of felony, and be transported for 14 years.

Persons guilty of a second offence against this Act or the Act 9 Will. 3. c. 41., which if a first offence would

marked with a blue streak in a serpentine form, or bewper, otherwise called buntin, wrought as above-mentioned, shall be found (such canvas or bewper, otherwise called buntin, not being charged to be new or not more than one-third worn), and all and every person and persons who shall be convicted of any offence contrary to so much of the said recited Act of the ninth and tenth years of the reign of King William the Third as relates to the making or the having in possession or concealing any of his Majesty's warlike or naval or ordnance stores marked as therein specified, shall, besides forfeiting such stores and the sum of two hundred pounds, together with costs of suit, as therein mentioned, be corporally punished by pillory, whipping and imprisonment, or by any or either of the said ways and means, in such manner and for such space of time as to the judge or justices, before whom such offender or offenders shall be convicted, shall seem meet, any thing in the said last-mentioned Act or in the before-recited Acts of the ninth year of King George the First and the seventeenth year of King George the Second to the contrary thereof in anywise notwithstanding: Provided always, that it shall and may be lawful to and for such judge or justices to mitigate the said penalty of two hundred pounds, as he or they shall see cause.

III. PROVIDED always, and be it enacted, that nothing in this Act or in the said recited Act of the ninth and tenth years of the reign of King William the Third contained shall extend, or be deemed, taken or construed to extend, to exempt from the operation of this Act or the said recited Act respectively any person or persons being a contractor or contractors, or employed as in the said last mentioned Act is mentioned, except only so far as concerns stores or goods marked as aforesaid, which shall be bonâ fide provided, made up or manufactured by such person or persons or by their order, and which shall not have been before delivered into his Majesty's store, unless, having been so delivered, they shall have been sold or returned to such person or persons by the commissioners of his Majesty's navy, ordnance or victualling respectively.

IV. AND be it further enacted by the authority aforesaid, that if any person or persons shall, from and after the passing of this Act, wilfully and fraudulently destroy, beat out, take out, cut out, deface, obliterate or erase, wholly or in part, any of the marks in the said Act of the ninth and tenth years of the reign of King William the Third or in this Act mentioned, or any other mark whatsoever, denoting the property of his Majesty, his heirs or successors, in or to any warlike or naval, ordnance or victualling stores, or cause, procure, employ or direct any other person or persons so to do, for the purpose of concealing his Majesty's property in such stores, such person or persons shall be deemed guilty of felony, and shall, on being convicted thereof, be transported to parts beyond the seas for the term of fourteen years, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

V. AND be it further enacted by the authority aforesaid, that if any person or persons who shall hereafter be convicted of any offence contrary to this Act, for which he shall not have been transported beyond the seas, or contrary to the said recited Act of the ninth and tenth years of King William the Third, shall be guilty of a second offence, either contrary to that Act or to this present Act, which would not otherwise, as the first offence, subject him,

her or them to transportation, and shall be thereof legally convicted, such person or persons shall, by judgement of the court wherein he, she or they shall be so convicted, be transported to parts beyond the seas for the term of fourteen years, in like manner as other offenders may be transported by the laws and statutes of this realm now in force.

VI. AND be it further enacted by the authority aforesaid, that if any person or persons transported in pursuance of this Act shall return into any part of Great Britain or Ireland before the end or expiration of the term for which he or she shall have been so transported, every such person or persons so returning shall suffer as felons, and shall have execution awarded against him, her or them as persons attainted of felony without benefit of clergy.

VII. PROVIDED always, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the court, before whom any offender or offenders shall be indicted and convicted of all or any of the crimes or offences herein-before mentioned to be punishable with transportation, to mitigate or commute such punishment by causing the offender or offenders to be set on the pillory, publicly whipt, fined or imprisoned, or by all or any one or more of the said ways and means, as such court in its discretion shall think fit; one moiety of which fine (if any imposed) shall be to his Majesty, his heirs and successors, and the other moiety thereof to the informer; and also to order such offender or offenders to be imprisoned until such fine be paid, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

VIII. AND whereas the establishing by law a certain reward to the discoverers of persons guilty of stealing or embezzling any of his Majesty's naval, ordnance or victualling stores, or of any of the crimes or offences mentioned in the said recited Act of the ninth and tenth years of King William the Third or in this Act, might tend greatly to the detection of such offenders: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, if any person or persons shall discover to his Majesty's principal officers or commissioners of the navy, ordnance or victualling for the time being, or apprehend or first inform against, any offender or offenders who shall have been guilty of stealing or embezzling his Majesty's stores of war, or naval, ordnance or victualling stores, or of any of the offences mentioned in the said recited Act of the ninth and tenth years of the reign of King William the Third, or in this present Act herein-before mentioned, which shall not be prosecuted in the summary way herein-after prescribed, so as such offender or offenders be convicted thereof, such discoverer or discoverers, apprehenders or informers shall have and receive a reward for such his, her or their discovery, or for so apprehending or first informing as aforesaid, the sum of twenty pounds for every such offence so discovered, over and above any share of penalty or fine which he, she or they may be entitled to as the informer or informers, so as such share of penalty or fine do not amount to more than the sum of twenty pounds, or (if amounting to more than that sum) shall fail to be paid by the offender or offenders upon whom the same shall be inflicted, for the space of three calendar months next after his, her or their conviction, provided such offender or offenders shall not be detained in pursuance of any sentence of imprisonment, and, if so detained,

not subject him to transportation, to be transported for 14 years.

If any person transported shall return before the expiration of his term, he shall suffer as a felon without benefit of clergy.

The court may commute the punishment of transportation for the pillory, whipping, fine or imprisonment.

Application of fines.

If any person shall discover to the navy board, &c. or apprehend any offender guilty of stealing or embezzling his Majesty's stores, or of any offence against 9 Will. 3. c. 41. or this Act, which shall not be prosecuted in a summary way, he shall, on conviction, receive a reward of 20*l.* above his share of penalty, if not more than that sum, &c.

such share of penalty or fine shall fail to be paid within three calendar months next after the expiration of such sentence of imprisonment.

If any dispute shall arise respecting the title to such reward, it shall be determined by any of the commissioners of the navy, &c.

IX. PROVIDED always, and be it further enacted, that if any dispute shall arise between or among any persons who shall have discovered, apprehended or informed against any offender or offenders, as to their title to the said reward of twenty pounds, such dispute shall be determined by any one or more of the commissioners either of his Majesty's navy, ordnance or victualling, as the offence may have related to their departments respectively, upon the oaths of the claimants, to be taken in writing either before such commissioner or before one of his Majesty's justices of the peace (which oaths the said commissioner or justice is hereby authorized to administer); and whatsoever decision or adjudication shall be made by such commissioner touching the premises shall be final between the parties.

Reward shall be paid on certificate from the officer of the court where the offender shall be tried, for which he shall charge 5s.

X. AND be it further enacted by the authority aforesaid, that the principal officers and commissioners of his Majesty's navy, ordnance or victualling, as the case may require, shall cause the said reward of twenty pounds to be paid by the treasurer of the navy or ordnance respectively for the time being, out of any publick money in his hands, upon producing to them a certificate, under the hand of the clerk of assize or his deputy, or other proper officer of the court before whom such offender or offenders shall be tried, certifying the conviction of the offender or offenders, and that the informer's share of any penalty or fine inflicted upon such offender or offenders doth not amount to more than the sum of twenty pounds, or, if amounting to more, hath failed to be paid by such offender or offenders for the space of three months next after his or their conviction, unless such offender or offenders shall then be detained in pursuance of any sentence of imprisonment, and then for the space of three months next after the expiration of such sentence; which certificate the said clerk of assize or other proper officer is hereby required to give, and for which he shall charge the sum of five shillings and no more; and the money paid by any such treasurer on account of such rewards shall be allowed in his accounts, and he shall be discharged thereof accordingly, any law, custom or usage to the contrary thereof in anywise notwithstanding.

Any commissioner of the navy, &c. or justice of the peace may grant warrants for searching houses, &c. where oath is made that there is reason to suspect stores belonging to his Majesty are concealed.

XI. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any commissioner of the navy, ordnance or victualling for the time being (who, for the purposes herein-after mentioned, is hereby authorized to act in every respect as if he had been named as a justice of the peace in the commission of the peace for the county, division, city, town corporate, liberty or place, in which he shall be resident or into which his warrant shall be issued), or any justice of the peace for any county, division, city, town corporate, liberty or place within this kingdom, upon the oath of one or more credible person or persons that there is reason or cause to suspect that any navy, ordnance or victualling stores or goods belonging to his Majesty, his heirs or successors, are concealed in any dwelling house, warehouse, workshop, outhouse, yard, garden or other place, or on board any ship, vessel, barge, boat or other craft, by warrant under his hand and seal, to cause every such dwelling house, warehouse, workshop, outhouse, yard, garden or place, ship, vessel, barge, boat or other craft, in whatsoever county, division, city, town corporate, liberty or place the same or any of them shall be (in

case such warrant shall be granted by a commissioner as aforesaid), to be searched in the day-time by any police officer, constable, headborough or other peace officer, either of the county, division, city, town corporate, liberty or place in which the premises, ship, vessel, barge, boat or other craft shall be, or in which the commissioner granting such warrant (if granted by a commissioner) shall then reside; and in case any stores or goods marked as herein-before or in the said recited Act of the ninth and tenth years of King William the Third is mentioned shall upon such search be found, to cause the same and the offender or offenders to be brought before such commissioner or justice of the peace, who is hereby required to commit or bind over or otherwise to deal with such offender or offenders according to law, for such his or their offence; and that in case upon any such search or upon any seizure whatsoever of stores or goods marked as aforesaid any naval, ordnance or victualling stores not so marked as aforesaid shall be found, which may reasonably be suspected to belong to his Majesty, the party or parties in whose possession or keeping the same shall be found shall be required to give to the commissioner or justice of the peace respectively, before whom the said stores or goods shall and may be brought, an account, to the satisfaction of such commissioner or justice, that the same were not embezzled or stolen from any of his Majesty's ships or vessels, yards, store-houses or other places, or that, if the same were embezzled or stolen, the same had come to the possession of the said party or parties honestly and without any knowledge or suspicion that the same had been embezzled or stolen; on failure whereof by a reasonable time to be set by such commissioner or justice of the peace, the said stores or goods shall thereupon become forfeited, and such party or parties shall be deemed and adjudged guilty of a misdemeanor.

XII. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for any person or persons deputed or appointed by the principal officers or commissioners of the navy, ordnance or victualling, or any three of them respectively, at any time or times from and after the passing of this Act, to stop, search and detain in some place of safety any barge, boat or other craft which there shall be reason to suspect doth contain any naval, ordnance or victualling stores, ropes, tackle, apparel, furniture, arms, ammunition, materials and things stolen, embezzled or unlawfully procured from or out of any of his Majesty's ships or vessels, yards, store-houses or other places, and also to apprehend and detain or cause to be apprehended and detained any person or persons who may be reasonably suspected of having or conveying any such stores or other things in such barge, boat or craft; and such person or persons so apprehended shall be (as soon as conveniently may be) conveyed before any commissioner of the navy, ordnance or victualling for the time being, or before one or more justice or justices of the peace for the county, division, city, town corporate, liberty or place in which such seizure shall be made, together with the stores, ropes, tackle, apparel, furniture, arms, ammunition, materials and things so found in such boat or other craft, which said commissioner or justice is hereby required to commit or bind over or otherwise to deal with such person or persons according to law in respect to any of the said last mentioned stores and things which shall be so marked as aforesaid; and in respect to any of

If any stores, &c. marked as herein-before or in the Act 9 Will. 3. c. 41. is mentioned shall be found, the offender shall be dealt with according to law; and if upon such search, or any seizure of stores, &c. marked as aforesaid, any not marked shall be found which shall be suspected to belong to his Majesty, and the party shall not give a satisfactory account thereof, they shall be forfeited, and he shall be deemed guilty of a misdemeanor.

Persons deputed by the commissioners of the navy, &c. may detain any craft suspected to contain stores, &c. stolen from his Majesty's vessels, &c., and the parties suspected, who shall be dealt with according to law in respect of the stores, &c. marked; and as to those not marked, but suspected to belong to his Majesty and not satisfactorily accounted for, the same shall be forfeited, and the party deemed guilty of a misdemeanor.

such stores or things which shall not be so marked, but which shall nevertheless be reasonably suspected to be the property of his Majesty, the said person or persons, on whom the same shall be found, shall be required to give an account, to the satisfaction of such commissioner or justice, that the same were not embezzled or stolen as aforesaid, or that, if they were embezzled or stolen, the same had come to his or their possession honestly and without any knowledge or suspicion that the same had been embezzled or stolen; on failure whereof by a reasonable time to be set as aforesaid the said last-mentioned stores or things shall thereupon become forfeited, and the said person or persons so apprehended shall be deemed and adjudged guilty of a misdemeanour; and in case the said person or persons shall be convicted of stealing, embezzling or unlawfully having in his, her or their possession any of the said stores or things which shall be so marked as aforesaid, or shall be adjudged guilty of a misdemeanour for not giving a satisfactory account as aforesaid with respect to such of the said stores or things as shall not be so marked as aforesaid, such barge, boat or other craft in which such stores or things or any of them shall be found, with its tackle, apparel and furniture, shall, upon such conviction or adjudication, become and be adjudged by such commissioner or justice forfeited, and shall be disposed of in manner herein-after mentioned.

If the persons be convicted of stealing marked stores, &c., or adjudged guilty of a misdemeanour with respect to unmarked stores, &c., the craft in which the same were found shall be forfeited.

Persons so deputed, or any police or peace officer, may apprehend persons suspected of having stores, &c. stolen from his Majesty's vessels, &c., and may seize the stores, &c. and convey them and the parties before a justice, and the like proceedings shall be had as with respect to stores found in any craft.

XIII. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any person or persons deputed or appointed as aforesaid, or any police officer, constable, headborough or other peace officer, or any beadle or watchman (during such time as he shall be on duty), of every parish and place where he shall be an officer, to apprehend and detain or cause to be apprehended and detained all and every person and persons who may reasonably be suspected of having or carrying or anyways conveying any naval, ordnance or victualling stores, ropes, tackle, apparel, furniture, arms, ammunition, materials and things stolen or unlawfully procured from or out of any of his Majesty's ships or vessels, yards, storehouses or other places, and also to seize and detain in some place of safety such stores, materials or things as last aforesaid, and, as soon as conveniently may be, to convey or cause the person or persons so apprehended to be conveyed before any commissioner of the navy, ordnance or victualling, or before any one or more justice or justices of the peace for any county, division, city, town corporate, liberty or place in or near to the place of seizure, together with the said stores and other things; and such and the like proceedings shall and may be had and taken against the said person or persons in respect of such last-mentioned stores or things, whether marked or not marked, and such forfeiture be incurred and adjudication made, as are above directed with respect to stores found in any barge, boat or other craft as aforesaid.

XIV. AND be it further enacted by the authority aforesaid, that all and every the stores, ropes, tackle, apparel, furniture, arms, ammunition, materials and things, which are herein-before declared to be forfeited on the party or parties not giving to the commissioner or justice a satisfactory account that the same were not embezzled or stolen as aforesaid, shall be forthwith returned into his Majesty's store, and shall be applied for the use and benefit of his Majesty, his heirs and successors, unless proof shall be made within three calendar months next following such seizure, to the satisfaction of such com-

Stores, &c. herein declared to be forfeited on the parties not giving a satisfactory account of them shall be returned into his Majesty's store and

missioner or justice of the peace, that the same stores and other things are the property of any other person or persons; in which case the said commissioner or justice shall cause the same to be forthwith delivered up to such person or persons on his or their giving a proper receipt or discharge for the same, and paying the reasonable costs and charges (to be set by such commissioner or justice) attending the conveyance thereof to and from his Majesty's store, and the warehousing or safe custody thereof from the time of the seizure.

XV. AND be it further enacted by the authority aforesaid, that it shall and may be lawful to and for such commissioner or justice of the peace respectively by whom any barge, boat or other craft shall be adjudged to be forfeited in pursuance of this Act, and he is hereby authorized and required, forthwith after such adjudication to issue his warrant to the collector or other chief officer of the customs at the port at or nearest to the place where such seizure shall be made, for the sale of such barge, boat or other craft; which said collector or other chief officer, by virtue thereof, shall and is hereby authorized and required within one month then next following to cause such barge, boat or other craft, together with its tackle, apparel and furniture, to be publicly sold to the highest bidder, notice of which sale shall be given in some or one of the publick papers in circulation in the city, town corporate or place where such sale shall be made; and the money arising from such sale, after payment of the reasonable expences and charges attending the same, and of securing such barge, boat or other craft from the time of the seizure thereof (to be ascertained by such commissioner or justice of the peace), shall thereupon be forthwith paid by such collector or other officer of the customs into the hands of such commissioner or justice of the peace respectively, and be by such commissioner or justice, within one calendar month then next following, paid and disposed of in the manner following; (that is to say,) one moiety thereof to the person or persons (or his or their representatives if dead) who shall have made seizure of such barge, boat or other craft, and the other moiety thereof to the treasurer of his Majesty's navy for the time being (in case the stores seized shall be naval or victualling stores), to be by him applied in such and the same manner as the monies arising from the sale of old stores in his Majesty's dock yards now are or for the time being shall be applicable; and in case the stores seized shall be ordnance stores, then the said other moiety shall be paid to the treasurer of his Majesty's ordnance for the time being, to be by him applied in such manner for the use of his Majesty as the master general and principal officers of his Majesty's ordnance for the time being shall order and direct.

XVI. AND be it further enacted by the authority aforesaid, that every person deemed and adjudged guilty of any of the misdemeanors aforesaid, before any commissioner or justice of the peace as aforesaid, shall for every such misdemeanor forfeit for the first offence the sum of forty shillings, for the second offence the sum of five pounds, and for the third and every subsequent offence the sum of ten pounds, over and above the other forfeitures above mentioned; all which said respective forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him or them the overplus after the charges of the said distress and sale deducted), by warrant under the hand and seal of such commissioner or justice of the peace before whom such offender was convicted, directed to any

applied for his use, unless proved within three months to belong to other persons: in which case they shall be given up to them.

The commissioner or justice by whom any craft shall be adjudged to be forfeited shall issue his warrant to the officer of the customs for the sale thereof, who shall cause it and the tackle, &c. to be publicly sold, and the produce shall be paid to the commissioner or justice and disposed of as herein directed.

Persons guilty of misdemeanors shall forfeit certain sums, which may be levied by distress, to be applied as herein directed, and if distress cannot be found the offender shall be committed for three months.

constable or other peace officer of the county, division, city, town corporate, liberty or place, and shall be disposed of in manner following; (that is to say,) one moiety to the person or persons apprehending such offender or offenders or giving information, as the case shall be, and the other moiety thereof to the treasurer of the navy or ordnance for the time being, as the case may require, to be applied as before mentioned; and in case the constable or other peace officer to whom such warrant shall be directed shall return to such commissioner or justice of the peace that the offenders or offender named therein have not or hath not any goods or chattels in his county or constablewick whereby he can levy the said penalty (which return the said constable or other peace officer is hereby required in that case to make within a reasonable time to be set by the said commissioner or justice of the peace, and during which time the said offenders or offender shall be kept in safe custody by the order of such commissioner or justice of the peace), then and in such case the said commissioner or justice shall and he is hereby required, by warrant under his hand and seal directed as aforesaid, to cause such offenders or offender to be committed to the common gaol of the county, division, city, town corporate, liberty or place in which such seizure shall have been made, there to remain without bail or mainprize for the space of three calendar months, unless such penalty shall be sooner paid.

Adjudications in misdemeanors to be certified to the next general or quarter sessions, and shall be final.

XVII. AND be it further enacted, that every adjudication in any of the said misdemeanors shall be certified by the commissioner or justice of the peace making the same to the next general or quarter sessions of the peace for the county, division, city, town corporate or place in which such seizure shall be made, to be filed and entered amongst the records of the said session; and such conviction shall not be set aside or quashed for want of form, nor be liable to be removed by certiorari, advocacy or suspension into any other court, but shall be deemed and taken to be final to all intents and purposes whatsoever.

Any commissioner of the navy, &c. or justice of the peace may determine any complaint for unlawfully selling or receiving stores not exceeding 20 shillings in value, and may fine the offender 10l.

XVIII. AND whereas it might tend to prevent the commission of offences, if power were given to the commissioners of his Majesty's navy, ordnance, and victualling, and his Majesty's justices of the peace out of sessions, to hear and determine offences in a summary way in cases where the stores found are of small value, and to fine or otherwise punish the offenders accordingly: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act it shall and may be lawful to and for any principal officer or commissioner of the navy, ordnance or victualling for the time being, or any justice of the peace for any county, division, city, town corporate, liberty or place within this kingdom, to hear and determine any complaint against any person or persons (not being a contractor or contractors or employed as aforesaid) for unlawfully selling or delivering, or causing or procuring to be sold or delivered, or for receiving or having in his, her or their custody, possession or keeping, or for concealing any stores of war, or naval, ordnance or victualling stores or goods marked with such marks respectively as are herein-before mentioned, of any value in the whole not exceeding twenty shillings; which said commissioner or justice respectively is hereby authorized and required, upon any information exhibited or complaint made in that behalf at any time within three calendar months next after any such offence shall have been committed, to cause the party or parties accused to be apprehended and brought before him, or if he, she or they shall have absconded or



cannot be found, then to be summoned to appear before such commissioner or justice by a notice or summons left at his, her or their last or usual place of abode, and also cause the witnesses on either side to be summoned; and such commissioner or justice shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party or parties or by the oath of one or more credible witness or witnesses (which oath the said commissioner or justice respectively is hereby authorized to administer), give judgement or sentence accordingly; and in case the party or parties accused shall be convicted of such offence, then it shall and may be lawful to and for such commissioner or justice of the peace respectively to inflict a fine of ten pounds upon him, her or them for such his, her or their offence; which said fine so inflicted shall be divided and distributed, one moiety thereof to the informer or discoverer of the offence, and the other moiety thereof (the necessary charges for the recovery thereof being first deducted) to the treasurer of his Majesty's navy or ordnance, as the case may be, to be by him applied in such manner as herein-before mentioned with respect to the produce of barges, boats or other craft seized and sold under the authority of this Act; and to award and issue out his warrant under his hand and seal for levying such fine so adjudged on the goods of the offender or offenders, and to cause sale to be made thereof for payment of such fine and the reasonable charges of distress (to be judged of by such commissioner or justice respectively), in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where sufficient goods of the party cannot be found to answer the said fine, to commit the said offender or offenders to the common gaol of the county, division, city, town corporate, liberty or place, for the space of three calendar months, unless such fine shall be sooner paid, or in lieu of such fine to cause such offender or offenders to be imprisoned and kept to hard labour in the house of correction for the space of three calendar months, as to such commissioner or justice of the peace respectively shall be thought fit; and every such commissioner or justice shall cause the amount of every such last mentioned moiety of fine which he shall so receive, and also the moiety of every sum arising from the sale of any barge, boat or other craft sold under the authority of this Act and paid into his hands as aforesaid, to be paid into the hands of the said treasurer of the navy or ordnance within thirty days after the expiration of the year in which such fines shall be received by him, or in default thereof such commissioner or justice respectively shall forfeit the sum of fifty pounds, to be recovered with double costs of suit [Rep., 5 & 6 Vict. c. 97. s. 2.] by any person or persons who shall sue for the same by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster or Court of Exchequer in Scotland, wherein no essoign, protection or wager of law nor more than one imparlance shall be allowed; one moiety of which last mentioned fine shall go to his Majesty, his heirs and successors, and the other moiety thereof to him or them who shall sue for the same as aforesaid.

Application of fine, which may be levied by distress.

If sufficient distress cannot be found, the offender may be committed to the common gaol, or in lieu of the fine may be kept to hard labour in the house of correction.

XIX. PROVIDED always nevertheless, that it shall and may be lawful to and for the said commissioner or justice, before whom any person shall be convicted in a summary way as aforesaid, (if he shall see cause) to mitigate and lessen any such before-mentioned fine of ten pounds to be inflicted in that behalf as he shall think fit (the reasonable costs of the officers and informers,

Fine of 10*l*. may be mitigated.

as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation), and so as such mitigation do not reduce the fine to less than one moiety of the said sum of ten pounds, over and above the said costs and charges, any thing contained in this Act to the contrary thereof in anywise notwithstanding.

If in lieu of a fine the offender be imprisoned, the informer shall receive 5*l*. reward upon production of a certificate from the commissioner or justice who convicted the offender.

No summary proceeding to be had before any justice without the consent of the commissioners of the navy, &c.

Persons thinking themselves aggrieved by any judgement touching stores under the value of 20*s*. may appeal to the quarter sessions.

XX. PROVIDED also, and be it enacted, that in case such commissioner or justice of the peace shall, upon the hearing and determining of such complaint as aforesaid, adjudge the offender or offenders, in lieu of a fine, to be imprisoned and kept to hard labour as aforesaid, that then the informer or person or persons who shall have discovered such offender or offenders shall have and receive as a reward for such his, her or their discovery the sum of five pounds for every such offence so discovered; and the principal officers and commissioners of his Majesty's navy, ordnance or victualling, as the case may require, shall cause the said reward of five pounds to be paid by the treasurer of the navy or ordnance respectively for the time being out of any publick money in his hands, upon such informer or other person producing to them a certificate under the hand and seal of the commissioner or justice of the peace who shall have convicted such offender or offenders as aforesaid, certifying such conviction and the punishment which he hath inflicted upon the offender or offenders, and the name or names of the person or persons who in his judgement is entitled, and in what proportion or proportions, to such reward; which certificate the said commissioner or justice of the peace respectively is hereby required to give without fee or reward; and the money paid by any such treasurer on account of such last mentioned rewards shall be allowed in his accounts, and he shall be discharged thereof accordingly, any law, custom or usage to the contrary thereof in anywise notwithstanding: Provided also, that no such summary proceeding as before mentioned shall be had before any justice of the peace under the authority of this Act, without the consent in writing of the principal officers or commissioners of his Majesty's navy, ordnance or victualling for the time being, or one of them, for that purpose first had and obtained; and that every adjudication or sentence to be had or given without such consent as aforesaid shall be null and void to all intents and purposes whatsoever.

XXI. AND be it further enacted by the authority aforesaid, that if any person or persons shall find himself, herself or themselves aggrieved by the judgement of any such commissioner or justice touching or concerning any such stores as last aforesaid under the value of twenty shillings, then he, she or they shall or may, upon entering into a recognizance to his Majesty with one or more surety or sureties, to the satisfaction of such commissioner or justice, to the amount of treble the value of such fine, appeal to the justices of the peace at their next general quarter sessions of the peace for the county, division, city, town corporate, liberty or place wherein the offence was committed, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices of the peace to award the person or persons so appealing to pay such costs occasioned by such appeal as to them the said justices shall seem meet, and to enforce payment thereof according to the course and practice of such court.

XXII. AND in order to avoid frivolous and vexatious appeals, be it further enacted, that the commissioner or justice of the peace before whom any offender shall be convicted as aforesaid shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, mutatis mutandis; which conviction shall be good and effectual to all intents and purposes, without stating the case or the facts or evidence in any more particular manner; (that is to say,)

Convictions shall be made out in the following form, or to the like effect.

‘ **B**E it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
 ‘ in the year of our Lord \_\_\_\_\_  
 ‘ A.B. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
 ‘ was convicted before me, C.D., one of the commissioners of his Majesty’s  
 ‘ \_\_\_\_\_ [or, one of his Majesty’s  
 ‘ justices of the peace for the \_\_\_\_\_ of \_\_\_\_\_, as  
 ‘ the case may be], for that the said A.B. on the  
 ‘ day of \_\_\_\_\_ now last past, at the  
 ‘ of \_\_\_\_\_ in the said \_\_\_\_\_ of \_\_\_\_\_  
 ‘ did [here state the offence against the Act], contrary to the statute in such  
 ‘ case made and provided.

‘ Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_  
 ‘ in the year of our Lord \_\_\_\_\_

Which conviction the said commissioner or justice shall cause to be written fairly upon parchment or paper and returned to the next general quarter sessions of the peace for the county, division, city, town corporate, liberty or place where such conviction was made, to be filed by the clerk of the peace, and there to remain and be kept among the records of the same county, division, city, town corporate, liberty or place, and the same shall not be removed by certiorari, advocation or suspension into any court whatsoever.

Convictions shall be returned to the next general quarter sessions to be filed, and shall not be removed into any other court.

XXIII. AND be it further enacted, that if any person or persons shall be summoned as a witness or witnesses to give evidence before such commissioner or justice or justices of the peace touching any of the matters relative to this Act, either on the part of the prosecutor or of the party or parties accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her or their neglect or refusal, to be allowed by such commissioner or justice or justices of the peace before whom the seizure, complaint or prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of ten pounds, to be recovered, levied and paid and applied in such manner and by such means as is above directed with respect to fines on summary convictions.

Witnesses neglecting to attend to forfeit 10l.

XXIV. PROVIDED always, and it is hereby enacted and declared, that nothing herein-before contained, which gives to any commissioner or justice of the peace power or authority to hear and determine offences in a summary way, shall extend, or be deemed, construed, or taken to extend, to prevent the party or parties accused of selling or delivering, or of having in his, her or their custody, possession, or keeping, or of receiving or concealing any of the stores marked as above mentioned, under the value of twenty shillings, from being prosecuted as receivers of stolen goods under this Act, or for unlawfully having the same in his, her or their custody, or concealing the same, under the said recited Acts of the ninth and tenth years of the reign of King William the Third,

Nothing herein shall prevent parties accused of selling or receiving stores under the value of 20 shillings from being prosecuted as receivers of stolen goods, &c.

the ninth year of the reign of King George the First, or the seventeenth year of the reign of King George the Second, in any court of record, oyer and terminer, or otherwise, as they might have been if no such power or authority had been given; or to take away from any person or court whatsoever any power, right, jurisdiction, pre-eminence or authority, which he or they or any of them ought lawfully to have had and enjoyed for the hearing and determining of such offences, in case no such power or authority to hear and determine the same in a summary way had been given, so as that the same person shall not be punished twice for the same offence.

The commis-  
sioners of the  
navy, &c. may  
sell marked  
stores, and the  
buyers may  
keep them,  
without incur-  
ring any pe-  
nalty, on pro-  
ducing a certi-  
ficate of their  
having been  
bought of the  
commis-  
sioners.

XXV. AND be it further enacted, that the said commissioners of the navy, ordnance or victualling for the time being may sell and dispose of any of the stores aforesaid so marked as aforesaid as they did or might have done before the making of this Act; and that such person or persons as heretofore have or shall hereafter buy any such stores or other stores so marked as aforesaid of the said respective commissioners may keep and enjoy the same, without incurring the penalty of this Act or any law to the contrary whatsoever, upon producing a certificate or certificates, under the hand and seal of three or more of the said commissioners, that they bought such goods or stores from them at any time before they sold or delivered the same, or before the same were found in their custody, or a certificate from such person or persons as shall appear to have bought the said stores from them the said commissioners that the stores so sold or delivered by them or so found in their custody were the stores or part of the stores so bought of the said commissioners as aforesaid; in which certificate or certificates the quantities of such stores shall be expressed, and the time when and where bought of the said commissioners; who, or any three or more of them for the time being, and also the person or persons afterwards selling the same, are hereby empowered and directed from time to time to give such certificate to such person or persons as shall desire the same, and have bought and shall hereafter buy any of the aforesaid stores, within thirty days after the sale and delivery thereof.

Penalty for  
giving or pub-  
lishing false  
certificates.

XXVI. AND be it further enacted by the authority aforesaid, that if any person or persons shall make, sign or give any false certificate, bill of parcels or other instrument, purporting the identity or the sale or disposal of any goods or stores as goods or stores so purchased of the said commissioners as aforesaid, or if any person or persons shall utter or publish any such false certificate, bill of parcels or other instrument purporting as aforesaid, knowing the same to be false, every such offender, upon conviction thereof in due form of law, shall forfeit the sum of two hundred pounds, and be further corporally punished, as by this Act is directed with respect to persons having in their possession or concealing his Majesty's warlike, naval or ordnance stores, contrary to the said Act of the ninth and tenth years of King William the Third; one moiety of which penalty shall be to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the informer, to be recovered in such manner as the penalty of two hundred pounds inflicted by the said last mentioned Act is by that Act or any law now in force made recoverable.

Application of  
penalty.

If any person  
shall be sued for  
any seizure and  
shall prove on

XXVII. AND be it further enacted, that in case any person or persons shall be sued or prosecuted for or by reason of their seizing any such stores or goods as aforesaid, or any barge, boat or other craft in which the same shall

have been deposited, and upon the trial of the issue shall make proof that such goods or stores so seized by him or them, or any part thereof, were so marked as aforesaid, or, if not so marked, might reasonably be suspected to belong to his Majesty, or in case the plaintiff or plaintiffs in such action or suit shall not at such trial make good proof that he or they was or were so employed or had such certificate as aforesaid, and that he or they did shew such certificate to the defendant or defendants before the action or suit was commenced or brought, and that such defendant or defendants did not thereupon deliver or offer to deliver back unto the plaintiff or plaintiffs, at their request, all such goods and stores as aforesaid, and the barge, boat or other craft (if any) in which the same had been deposited, in as good plight and condition as they were at the time of the seizure thereof, such defendant or defendants shall be acquitted and found not guilty thereupon.

the trial that the stores were marked, or if not marked might be suspected to belong to his Majesty, or if the plaintiff shall not prove that he had a certificate, &c., the defendant shall be acquitted.

XXVIII. AND be it further enacted by the authority aforesaid, that every commissioner of the navy, ordnance or victualling, acting in the execution of this Act, shall have and be entitled to the benefit and protection given to the justices of the peace in and by an Act of Parliament made in the seventh year of the reign of the late King James the First, intituled "An Act for ease" in pleading troublesome and contentious suits prosecuted against justices of the peace, mayors, constables and certain other his Majesty's officers, for the lawful execution of their office;" and also in and by one other Act of Parliament made in the twenty-first year of the reign of the said late King James, intituled "An Act to enlarge and make perpetual the Act made for" ease in pleading against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables and certain other his Majesty's officers, for the lawful execution of their office, made in the seventh year of his Majesty's most happy reign;" and also in and by one other Act of Parliament made in the twenty-fourth year of the reign of his late Majesty King George the Second, intituled "An Act for the rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants," in as full and ample manner and form as if such commissioner had been a justice of the peace within the true intent and meaning of the said Acts of Parliament or any of them; and that all and every constable, headborough or other peace officer or person acting under the warrant or authority of such commissioner in pursuance of this Act shall, besides the protection given to persons making seizures as above-mentioned, have and be entitled to the full benefit and protection of the said several last-mentioned Acts of Parliament, in the same manner to all intents and purposes as if he or they had acted under the warrant or authority of a justice of the peace within the meaning of the same Acts.

The commissioners shall have the protection given to justices of the peace by 7 Ja. 1. c. 5.,

21 Ja. 1. c. 12., and

24 Geo. 2. [c. 44.],

and the peace officers acting under them shall have the protection of the said Acts.

XXIX. AND be it further enacted by the authority aforesaid, that this present Act shall extend to that part of the kingdom of Great Britain called Sootland; and it is hereby declared and enacted by the authority aforesaid, that all persons who shall commit within that part of Great Britain called Scotland any of the offences against this Act herein-before expressed, and shall be lawfully convicted thereof, shall be liable to the same pains, penalties, forfeitures and disabilities, which by this present Act are declared to be

Act to extend to Scotland.

applicable to similar offences committed within that part of Great Britain called England.

Offenders in Scotland to be tried according to the forms in trials for theft or reset of theft.

XXX. AND it is hereby further enacted by the authority aforesaid, that all persons accused of having committed any of the offences against this Act herein-before described within that part of Great Britain called Scotland shall be tried according to the forms used and observed by the law of Scotland in trials for theft or reset of theft.

Persons accused of offences in Scotland for which in England a summary mode of trial is established may be so tried there.

XXXI. PROVIDED always, and be it enacted by the authority aforesaid, that all persons accused of offences and misdemeanors against this Act within that part of Great Britain called Scotland, and for which when committed in England a summary mode of trial and conviction is herein-before established, may be tried in the same summary manner within that part of Great Britain called Scotland, before the judge ordinary of the bounds or before two or more justices of the peace in or out of sessions, and being lawfully convicted thereof, by their own confession or by the oath of one or more credible witnesses, shall be punished in the manner herein-before directed in cases of such summary trial and conviction in England.

At whose instance summary prosecutions in Scotland shall proceed.

XXXII. AND be it further enacted by the authority aforesaid, that all such summary prosecutions within that part of Great Britain called Scotland shall proceed either at the instance of the procurator fiscal of the court before which the party is to be tried, or at the instance of his Majesty's naval storekeeper at Leith for the time being, with concurrence of such procurator fiscal.

Penalties in Scotland to be applied as in England.

XXXIII. AND be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures, to be imposed on any person by virtue of this Act within that part of Great Britain called Scotland, shall be applied in the manner herein-before directed with regard to similar fines, penalties and forfeitures to be imposed by virtue of this Act in that part of Great Britain called England.

In cases where in England suits may be instituted in any court of record at Westminster, in similar cases in Scotland they may be instituted in the Court of Exchequer there.

XXXIV. AND be it enacted by the authority aforesaid, that in all cases in which by this present Act or otherwise it is necessary or lawful to institute any suit, plaint, bill or action before any of his Majesty's courts of record at Westminster for any thing done contrary to or in pursuance of this Act within that part of Great Britain called England, it shall be lawful in all similar cases occurring within that part of Great Britain called Scotland for the party to bring his action before the Court of Exchequer there, according to the forms and usages observed in that court: Provided always, that such action or suit be brought within the time above specified for bringing such actions in England.

In questions in Scotland upon matters not herein provided for, the laws there to be observed.

XXXV. AND be it further enacted by the authority aforesaid, that in all questions whatsoever occurring within that part of Great Britain called Scotland upon all matters and things done contrary to or in pursuance of this Act, and which are not herein-before expressly provided for, regard shall be had to the laws and usages observed in Scotland in like cases, any thing herein expressed to the contrary notwithstanding.

If any person shall forswear himself he shall be liable to the

XXXVI. AND be it further enacted, that if any person, upon examination on oath or affirmation before any commissioner of the navy, ordnance or victualling respectively, or before any justice of the peace in Great Britain, in

any matter relating to the execution of this Act, shall wilfully and corruptly give false evidence, or shall, in any information or deposition sworn or affirmation taken in writing before any such commissioner or justice, wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof lawfully convicted, shall be and is hereby declared to be subject and liable to the like pains and penalties as any persons convicted of wilful and corrupt perjury are by any law now in force subject and liable to.

penalties of  
wilful perjury.

### CHAPTER XCIII.

AN ACT for regulating Trials for High Treason and Misprision of High Treason in certain Cases. [28th July 1800.]

**W**HEREAS it is expedient that in cases of high treason in compassing or imagining the death of the King, and of misprision of such treason, where the overt act or overt acts of such treason alledged in the indictment for such offence shall be the assassination or killing of the King, or any direct attempt against his life, or any direct attempt against his person whereby his life may be endangered or his person may suffer bodily harm, the trial for such offence should not be different from trials for murder or wilful and malicious shooting: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases of high treason in compassing or imagining the death of the King, and of misprision of such treason, where the overt act or overt acts of such treason which shall be alledged in the indictment for such offence shall be assassination or killing of the King, or any direct attempt against his life, or any direct attempt against his person whereby his life may be endangered or his person may suffer bodily harm, the person or persons charged with such offence shall and may be indicted, arraigned, tried and attainted in the same manner and according to the same course and order of trial in every respect, and upon the like evidence, as if such person or persons stood charged with murder; and none of the provisions contained in the several Acts of the seventh year of King William the Third and the seventh year of Queen Anne respectively touching trials in cases of treason and misprision of treason respectively shall extend to any indictment for high treason in compassing and imagining the death of the King, or for misprision of such treason, where the overt act or overt acts of such treason alledged in the indictment shall be such as aforesaid, but upon conviction on such indictment judgement shall be nevertheless given and execution done as in other cases of high treason, any law, statute or usage to the contrary notwithstanding.

Preamble.

In cases of high treason, where the overt act alledged in the indictment shall be assassination of the King, or any direct attempt against his life, &c., the offender shall be tried in the same manner as if charged with murder, &c.

## CHAPTER XCIV.

## AN ACT for the safe Custody of Insane Persons charged with Offences.

[28th July 1800.]

## Preamble.

The jury, in case of any person charged with treason, &c. being proved to be insane, and being acquitted, to declare whether he was acquitted by them on account of insanity; and if so acquitted, the court shall order him to be kept in custody till his Majesty's pleasure be known; and his Majesty may give orders for his safe custody, &c.

**W**HEREAS persons charged with high treason, murder or felony, may have been or may be of unsound mind at the time of committing the offence wherewith they may have been or shall be charged, and by reason of such insanity may have been or may be found not guilty of such offence, and it may be dangerous to permit persons so acquitted to go at large: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where it shall be given in evidence upon the trial of any person charged with treason, murder or felony, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity; and if they shall find that such person was insane at the time of the committing such offence, the court before whom such trial shall be had shall order such person to be kept in strict custody, in such place and in such manner as to the court shall seem fit, until his Majesty's pleasure shall be known; and it shall thereupon be lawful for his Majesty to give such order for the safe custody of such person during his pleasure, in such place and in such manner as to his Majesty shall seem fit; and in all cases where any person before the passing of this Act has been acquitted of any such offences on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the court before whom such person has been tried, and still remains in custody, it shall be lawful for his Majesty to give the like order for the safe custody of such person during his pleasure as his Majesty is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

If any person indicted for any offence, shall upon arraignment or trial be found to be insane, &c., the court shall order him to be kept in custody till his Majesty's pleasure be known.

Proceedings where persons brought up to be discharged for want of prosecution appear to be insane.

**II.** AND be it further enacted, that if any person indicted for any offence shall be insane, and shall upon arraignment be found so to be by a jury lawfully impannelled for that purpose, so that such person cannot be tried upon such indictment, or if upon the trial of any person so indicted such person shall appear to the jury charged with such indictment to be insane, it shall be lawful for the court before whom any such person shall be brought to be arraigned or tried as aforesaid to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until his Majesty's pleasure shall be known; and if any person charged with any offence shall be brought before any court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such court to order a jury to be impannelled to try the sanity of such person; and if the jury so impannelled shall find such person to be insane, it shall be lawful for such court to order such person to be kept in strict custody, in such place and in such manner as to such court shall seem fit, until his Majesty's pleasure shall be known; and in all cases of insanity so found it shall be lawful for his Majesty to give such order for the safe custody of such



person so found to be insane, during his pleasure, in such place and in such manner as to his Majesty shall seem fit.

\* \* \* \* \*

IV. AND whereas insane persons have at different times endeavoured to gain admittance to his Majesty's presence by intrusion on his Majesty's palaces and places of residence and otherwise, and his Majesty's person may be endangered by reason of the insanity of such persons: Be it therefore enacted, that if any person who shall appear to be insane shall endeavour to gain admittance to his Majesty's presence by intrusion on any of his Majesty's palaces or places of residence or otherwise, so that there may be reason to apprehend that his Majesty's person may be endangered, it shall be lawful for his Majesty's privy council or one of his Majesty's principal secretaries of state to cause such person to be brought before them or him; and if upon examination it shall appear that there is reason to apprehend such person to be insane, and that the person of his Majesty may be endangered by reason of the insanity of such person, it shall be lawful for his Majesty's privy council or one of his Majesty's principal secretaries of state to order such person to be kept in safe custody in such place and in such manner as according to circumstances shall be ascertained; and for such purpose it shall be lawful for the lord chancellor, lord keeper or lords commissioners for the custody of the great seal of Great Britain to award a commission under the said great seal, directed to certain commissioners to be therein named, to enquire into the sanity of such person, and whether the person of his Majesty may be endangered by reason of the insanity of such person, and for such purpose to direct the sheriff of the county where such person shall be to summon a jury to try the sanity of such person, and whether his Majesty's person may be endangered by reason of the insanity of such person, in the same manner as juries are summoned to try the sanity of persons on a commission in the nature of a writ de lunatico inquirendo; and if upon the inquisition so taken it shall be found that such person is so far insane that the person of his Majesty may be endangered by reason of the insanity of such person, it shall be lawful for the lord chancellor, lord keeper or lords commissioners for the custody of the great seal for the time being to take order for the safe custody of such person, so long as there shall be reason to apprehend that the person of his Majesty may be endangered by reason of the insanity of such person; and if it shall afterwards appear that such person shall have recovered the use of his or her reason, so that there shall be no longer any reason to apprehend any danger to his Majesty's person from the insanity of such person, it shall be lawful for the lord chancellor, lord keeper or lords commissioners for the custody of the great seal for the time being to enquire into the fact by such means as to him or them shall seem proper; and if it shall appear to his or their satisfaction that such person has so far recovered the use of his or her reason that there is no ground for apprehending any danger to his Majesty's person from the insanity of such person, it shall be lawful for the said lord chancellor, lord keeper and lords commissioners respectively to direct such person to be discharged from custody, either absolutely or conditionally, or under restrictions, as to him or them shall seem meet.

The privy council or one of the secretaries of state may cause persons appearing to be insane and endeavouring to gain admittance to his Majesty to be kept in custody till the insanity of such persons be inquired into in the manner herein directed, &c.

## CHAPTER XCVIII.

AN ACT to restrain all Trusts and Directions in Deeds or Wills whereby the Profits or Produce of Real or Personal Estate shall be accumulated, and the beneficial enjoyment thereof postponed, beyond the time therein limited. [28th July 1800.]

Preamble.

No person, by deed or will, &c. shall settle or dispose of any real or personal property in such manner that the rents or produce shall be accumulated for a longer term than herein mentioned, and any other direction shall be void, and the rents, &c. shall go to the persons who would otherwise be entitled thereto.

WHEREAS it is expedient that all dispositions of real or personal estates, whereby the profits and produce thereof are directed to be accumulated and the beneficial enjoyment thereof is postponed, should be made subject to the restrictions herein-after contained: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in Parliament assembled, and by the authority of the same, that no person or persons shall after the passing of this Act, by any deed or deeds, surrender or surrenders, will, codicil or otherwise howsoever, settle or dispose of any real or personal property so and in such manner that the rents, issues, profits or produce thereof shall be wholly or partially accumulated for any longer term than the life or lives of any such grantor or grantors, settler or settlers, or the term of twenty-one years from the death of any such grantor, settler, deviser or testator, or during the minority or respective minorities of any person or persons who shall be living or in ventre sa mere at the time of the death of such grantor, deviser or testator, or during the minority or respective minorities only of any person or persons who under the uses or trusts of the deed, surrender, will or other assurances directing such accumulations would for the time being, if of full age, be entitled unto the rents, issues and profits, or the interest, dividends or annual produce so directed to be accumulated; and in every case where any accumulation shall be directed otherwise than as aforesaid, such direction shall be null and void, and the rents, issues, profits and produce of such property so directed to be accumulated shall, so long as the same shall be directed to be accumulated contrary to the provisions of this Act, go to and be received by such person or persons as would have been entitled thereto, if such accumulation had not been directed.

Nothing herein to extend to any provision for payment of debts or for raising portions for children or touching the produce of timber.

II. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend to any provision for payment of debts of any grantor, settler or deviser, or other person or persons, or to any provision for raising portions for any child or children of any grantor, settler or deviser, or any child or children of any person taking any interest under any such conveyance, settlement or devise, or to any direction touching the produce of timber or wood upon any lands or tenements, but that all such provisions and directions shall and may be made and given as if this Act had not passed.

\* \* \* \* \*

When restrictions shall take effect with respect to wills made before the passing of this Act.

IV. PROVIDED also, and be it enacted, that the restrictions in this Act contained shall take effect and be in force with respect to wills and testaments made and executed before the passing of this Act in such cases only where the deviser or testator shall be living and of sound and disposing mind after the expiration of twelve calendar months from the passing of this Act.

## CHAPTER XCIX.

AN ACT for better regulating the Business of Pawnbrokers. [28th July 1800.]

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II. AND be it further enacted, that upon and from the commencement of this Act it shall be lawful for all persons using and exercising the trade or business of a pawnbroker to demand, receive and take, of and from all and every person and persons applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker, a profit, after the following rates, over and above the principal sum and sums which shall have been lent and advanced upon the respective pledge or pledges, before any such pawnbroker shall be obliged to re-deliver the same; (videlicet,)

Pawnbrokers  
allowed to take  
certain rates.

For every pledge upon which there shall have been lent any sum not exceeding two shillings and sixpence, the sum of one halfpenny for any time during which the said pledge shall remain in pawn not exceeding one calendar month, and the same for every calendar month afterwards, including the current month in which such pledge shall be redeemed, although such month shall not be expired: Rates.

For every pledge upon which there shall have been lent the sum of five shillings, one penny:

For every pledge upon which there shall have been lent seven shillings and sixpence, one penny halfpenny:

For every pledge upon which there shall have been lent ten shillings, two-pence:

For every pledge upon which there shall have been lent twelve shillings and sixpence, two-pence halfpenny:

For every pledge upon which there shall have been lent fifteen shillings, three-pence:

For every pledge upon which there shall have been lent seventeen shillings and sixpence, three-pence halfpenny:

For every pledge upon which there shall have been lent one pound, four-pence; and so on progressively and in proportion for any sum not exceeding forty shillings:

For every pledge upon which there shall have been lent any sum of money exceeding forty shillings and not exceeding forty-two shillings, eight-pence:

And for every pledge upon which there shall have been lent any sum exceeding forty-two shillings and not exceeding ten pounds, at and after the rate of three-pence and no more for the loan of every twenty shillings for all such money so lent by the calendar month, including the current month; and so in proportion for any fractional sum:

Which said several sums shall be taken in lieu of and as a full satisfaction for all interest due and charges for warehouse room.

III. AND be it further enacted by the authority aforesaid, that in all cases where any intermediate sum lent upon any pawn or pledge shall exceed the sum of two shillings and sixpence and not exceed the sum of forty shillings, the person lending the same shall and may take, by way of profit as aforesaid, at and after the rate of four-pence and no more for the loan of twenty shillings by the calendar month, including the current month as aforesaid.

When the intermediate sum lent exceeds 2s. 6d., but does not exceed 40s., the rate of 4d. for the loan of 20s. by the month to be paid.

Pawnbrokers to  
give farthings  
in change.

IV. PROVIDED always, and be it further enacted, that in all cases where the sum to be demanded, received and taken by any pawnbroker or pawnbrokers, his, her or their servant or agent, of and from any person or persons applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker or pawnbrokers, either as profit upon any sum lent or as part principal and part profit, shall amount to a total sum of which the piece of money of the lowest denomination shall be one farthing, and where the person or persons so applying or offering to redeem such goods or chattels shall have paid down the sum due for such principal and profit, or for such profit only (as the case may be), except the last remaining farthing, and shall not be able to produce and pay to such pawnbroker or pawnbrokers, his, her or their servant or agent, a current farthing, and which shall be to the satisfaction and liking of such person or persons to receive the same, but shall in lieu thereof tender to such person or persons to receive the same one half-penny, in order to discharge the said remaining farthing so due as aforesaid, the said pawnbroker or pawnbrokers, his, her or their servant or agent, to whom such tender of a halfpenny for such purpose as aforesaid shall be made, shall in exchange thereof deliver unto such person or persons so redeeming goods as aforesaid one good and lawful farthing of the current coin of this kingdom, or in default thereof shall wholly abate the said remaining farthing from the total sum to be received by him or them of such person or persons so redeeming goods or chattels as aforesaid.

Limitation of  
profits for part  
of a month.

V. PROVIDED always, and be it further enacted, that in all cases where the party or parties entitled to and applying for the redemption of goods pawned within the space of seven days after the expiration of the first calendar month after the same shall have been pledged, he, she or they shall and may be at liberty to redeem the same without paying any thing by way of profit to the pawnbroker for the said seven days, or such part thereof as shall then have elapsed; and that in all cases where the party or parties so entitled and applying as aforesaid after the expiration of the said first seven days, and before the expiration of the first fourteen days of the second calendar month, he, she or they shall and may be at liberty to redeem such goods upon paying the profit payable for one calendar month and the half of another calendar month to the pawnbroker; but that in all cases where the party or parties so entitled and applying as aforesaid after the expiration of the said first fourteen days, and before the expiration of the said second calendar month, it shall be lawful for the pawnbroker to demand and take the profit of the whole second month; and that the like regulation and restriction shall take place and be in force in every subsequent calendar month, wherein application shall be made for redeeming goods pawned.

Pawns to be  
entered in  
books.

VI. AND be it further enacted, that all and every person and persons who from and after the commencement of this Act shall take, by way of pawn or pledge, of or from any person or persons whomsoever, any goods or chattels, of what kind soever the same shall be, and whereon shall be lent any sum of money exceeding five shillings, shall forthwith, and before he, she or they shall or may advance or lend any money upon such pawn or pledge, enter or cause to be entered, in a fair and regular manner, in a book or books to be kept by him, her or them for that purpose, a description of the goods or

chattels which he, she or they shall receive in pawn, pledge or exchange, and also the sum of money to be advanced or lent thereon, with the day of the month and year on which and the name of the person or persons by whom such goods or chattels are so pawned, pledged or exchanged, and the name of the street and number of the house, if the same shall be said to be numbered, where such person shall abide, and whether such person or persons is or are a lodger in or the keeper of such house by using the letter "L" if a lodger, and the letter "H" if a housekeeper, and also the name and place of abode of the owner or owners of such goods and chattels, according to the information of the person pawning, pledging or exchanging the same, into all which circumstances the pawnbroker is hereby required to enquire of the party pawning, before any money shall be lent or advanced; and in all cases where the money lent on any such goods or chattels shall not exceed the sum of five shillings, such entry shall be made in such book or books by all and every such person and persons so taking the same by way of pawn, pledge or exchange as aforesaid, within four hours next after the said goods and chattels shall have been so pawned, pledged or exchanged as aforesaid; and every pledge upon which shall be lent any sum of money above ten shillings shall be entered in the manner aforesaid in a book or books to be kept for that purpose, separate and apart from all other pledges whatever; and every such entry of such pledge, whereon shall be lent any sum of money exceeding ten shillings, shall be numbered in such book or books progressively as they are received in pawn, in the manner following; (videlicet,) the first pledge that is received in pawn in the month of September next shall be numbered No. 1, the second No. 2, and so on progressively until the end of the month; and the first pledge that is received in the next month shall be numbered No. 1, and the second No. 2, and so on progressively and in like manner until the end of the month; and the like regulation with respect to the numbers of all pledges above ten shillings shall be observed in every succeeding month throughout the year; and upon every note or memorandum respecting any such pledge, whereon shall be lent any sum exceeding ten shillings as aforesaid, shall be fairly and legibly written or printed the number of the entry of such pledge so entered in such book or books as aforesaid; and every such person shall, at the time of the taking of every pawn, pledge or exchange whatsoever, give to the person or persons so pawning, pledging or exchanging the same a note or memorandum, fairly and legibly written or printed, or in part written and in part printed, containing therein in like manner a description of the goods and chattels which he, she or they have received in pawn, pledge or exchange, and also the sum of money advanced thereon, with the day of the month and year on which, and the name and place of abode and number of the house, if said to be numbered, of the person or persons by whom, such goods or chattels are so pawned, pledged or exchanged, and whether such person is a lodger or housekeeper as aforesaid by using the letter "L" if a lodger, and the letter "H" if a housekeeper, and also the name and place of abode of the owner or owners thereof, according to the information aforesaid, and upon which said note or memorandum, or on the back whereof, shall be moreover fairly written or printed the name and place of abode of the pawnbroker giving the same; which said note or memorandum the party

Pawnbrokers  
to give a note  
describing  
things pawned.

and parties pawning, pledging or exchanging the said goods or chattels shall and he, she or they is and are hereby required to accept and take in all cases, and the pawnbroker shall not receive and retain such pledge, unless the party pledging or offering to pledge the same shall accept and take such note or memorandum; and every such note where the sum lent shall be less than five shillings shall be delivered gratis; and where the sum lent shall be five shillings or upwards and less than ten shillings, such pawnbroker shall and may take one halfpenny for the same; and where the sum lent shall be ten shillings or upwards and less than twenty shillings, such pawnbroker shall and may take one penny for the same; and where the sum lent shall be twenty shillings or upwards and less than five pounds, the sum of two-pence for the same; and where the sum lent shall be five pounds or upwards, the sum of four-pence and no more; and which note shall be produced to the pawnbroker, before he or she shall be obliged to re-deliver the respective goods or chattels, except as herein-after is excepted.

The amount of profits on pledges redeemed to be indorsed on duplicates.

Duplicates to be kept for a year.

Penalty for unlawfully pawning goods the property of others.

VII. AND be it further enacted, that in all cases where any goods or chattels pawned or pledged shall be redeemed, the pawnbroker of whom the same shall be redeemed shall at the time of such redemption fairly and legibly write or indorse or cause to be written or indorsed upon every duplicate respecting such pawn or pledge the amount of the profit taken by him or on his account on the money lent upon such goods or chattels so redeemed, and shall keep such duplicate in his custody for the space of one year then next following.

VIII. AND be it further enacted, that from and after the commencement of this Act, if any person or persons shall knowingly and designedly pawn, pledge or exchange or unlawfully dispose of the goods or chattels of any other person or persons, not being employed or authorized by the owner or owners thereof so to do, it shall be lawful for any justice to grant his warrant to apprehend any person so offending; and if he, she or they shall be thereof convicted by the oath of any credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any justice or justices of the peace for the county, riding, division, city, liberty, town or place where the offence shall be committed (which oath every such justice or justices as aforesaid is and are hereby empowered and required to administer), every such offender shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings, and also the full value of the goods or chattels so pawned, pledged, exchanged or disposed of, such value to be ascertained by such justice or justices; and in case the said forfeitures shall not be forthwith paid, the justice or justices of the peace as aforesaid, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction or some other publick prison of the county, riding, division, city, liberty, town or place wherein the offender or offenders shall reside or be convicted, there to remain and be kept to hard labour for a space not exceeding three calendar months, unless the said forfeitures shall be sooner paid; and if within three days before the expiration of the said term of commitment the said forfeitures shall not be paid, the said justice or justices, at his and their discretion, may order the person or persons so convicted to be publickly whipped in the house of correction or prison to which the offender

or offenders shall have been committed, or in some other publick place of the county, riding, division, city, liberty, town or place where the offence shall have been committed, as to such justice or justices shall seem proper; and the said respective forfeitures, when recovered, shall be applied towards making satisfaction thereout to the party or parties injured and defraying the costs of the prosecution, as shall be adjudged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs, or if there shall be any overplus of the said respective forfeitures after making such satisfaction and paying such costs as aforesaid, then such respective forfeitures or the overplus thereof (as the case shall happen) shall be paid and applied to and for the use of the poor of the parish or place where such offence shall have been committed, and shall be paid to the overseers of the poor of such parish or place for that purpose.

IX. AND be it further enacted, that if any person or persons whomsoever shall counterfeit, forge or alter, or cause or procure to be counterfeited, forged or altered, any such note or memorandum as aforesaid, or shall utter, vend or sell any such note as aforesaid, knowing the same to be counterfeited, forged or altered, with intent to defraud any person or persons whomsoever, in all or any or either of the said cases such person or persons shall be punished in manner herein-after mentioned; and it shall be lawful for any person or persons, his, her or their servants or agents, to whom any note shall be uttered or produced, shewn or offered, which he, she or they shall have reason to suspect to have been counterfeited, forged or altered, to seize and detain such person or persons uttering, producing, shewing or offering the same, and to deliver him, her or them, as soon as conveniently may be, into the custody of a constable or other peace officer, who shall and is hereby required, as soon as conveniently may be, to convey such person or persons before some justice or justices of the peace for the county, riding, division, city, liberty, town or place wherein the offence shall be supposed to have been committed; and if upon examination it shall appear to the satisfaction of such justice or justices that the person or persons charged with having committed any such offence is or are guilty thereof, then and in every such case the said justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol or house of correction of the county, riding, division, city, liberty, town or place wherein the offence shall be committed, there to be imprisoned for any time not exceeding the space of three calendar months, at the discretion of such justice or justices.

Persons forging or counterfeiting notes to be liable to punishment.

X. AND be it further enacted, that in case any person or persons, who shall offer by way of pawn, pledge, exchange or sale any goods or chattels, shall not be able or shall refuse to give a satisfactory account of himself, herself or themselves, or of the means by which he, she or they became possessed of such goods or chattels, or shall wilfully give any false information to the pawn-broker or to his or her servant or servants, as to whether such goods or chattels are his, her or their own property or not, or of his or her name and place of abode, or of the name and place of abode of the owner or owners of the said goods or chattels, or if there shall be any other reason to suspect that such goods or chattels are stolen or otherwise illegally or clandestinely obtained, or

Persons not giving a good account of themselves, &c. on offering to pawn goods, or offering to redeem goods without right to do so, to be liable to punishment.

if any person or persons not entitled nor having any colour of title by law to redeem goods or chattels in pledge or pawn shall attempt or endeavour to redeem the same, it shall be lawful for any person or persons, his, her or their servants or agents, to whom such goods or chattels shall be so offered, or with whom such goods or chattels are in pledge, to seize and detain such person or persons and the said goods or chattels, and to deliver such person or persons immediately into the custody of a constable or other peace officer, who shall and is hereby required, as soon as may be, to convey such person or persons and the said goods or chattels so offered before some justice or justices of the peace for the county, riding, division, city, liberty, town or place wherein the offence shall be supposed to have been committed; and if such justice or justices shall upon examination and enquiry have cause to suspect that the said goods or chattels were stolen or illegally or clandestinely obtained, or that the person or persons offering and endeavouring to redeem the same shall not have any pretence or colour of right to redeem the same, it shall be lawful for such justice or justices to commit such person or persons into safe custody, for such reasonable time as shall be necessary for the obtaining proper information on the subject, in order to be further examined; and if upon either of the said examinations it shall appear to the satisfaction of such justice or justices that the said goods or chattels were stolen or illegally or clandestinely obtained, or that the person or persons offering or endeavouring to redeem the same hath or have not any pretence or colour of right so to do, the said justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol or house of correction of the county, riding, division, city, liberty, town or place wherein the offence shall be committed, there to be dealt with according to law, where the nature of the offence shall authorize such commitment by any other law, and where the nature of the offence shall not authorize such commitment by any other law, then such commitment shall be for any time not exceeding three calendar months, at the discretion of such justice or justices.

Persons buying or taking in pledge goods, linen or apparel unfinished or entrusted to others to wash or mend, to forfeit double the sum lent and restore the goods.

XI. AND be it further enacted, that from and after the commencement of this Act, if any person or persons shall knowingly buy or take in as a pledge or pawn or in exchange any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever plainly intended for the composing or manufacturing of any goods, after such goods or materials respectively are put into a state or course of manufacture or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purposes of wear or consumption, or any linen or apparel, which goods, materials, linen or apparel are or shall be entrusted to any person or persons to wash, scour, iron, mend, manufacture, work up, finish or make up, and shall be convicted of the same on the oath of one credible witness, or on confession of the party or parties, before one or more justice or justices, every such person or persons shall forfeit double the sum given for or lent on the same, to be paid to the poor of the parish where the offence is committed, to be recovered in the same manner as any other forfeitures are by this Act directed to be recovered, and shall likewise be obliged to restore the said goods and



materials to the owner or owners thereof in the presence of the said justice or justices.

XII. AND be it further enacted, that if the owner or owners of any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever plainly intended for the composing or manufacturing of any goods, after such goods or materials respectively are put into a state or course of manufacture or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purposes of wear or consumption, or any linen or apparel, which goods, materials, linen or apparel are or shall be so intrusted as aforesaid, unlawfully pawned, pledged or exchanged, shall make out either on his, her or their oath, or by the oath of any credible witness, or being one of the people called Quakers by solemn affirmation, before any justice or justices of the peace within his or their jurisdiction, that there is just cause to suspect that any person or persons within the jurisdiction of any such justice or justices hath or have taken to pawn, or by way of pledge or in exchange, any such goods or materials, linen or apparel so intrusted as aforesaid of such owner or owners, and without the privity or authority of such owner or owners thereof, and shall make appear, to the satisfaction of any such justice or justices, probable grounds for such the suspicion of the owner or owners thereof, then and in any such case any justice or justices of the peace within his or their jurisdiction may issue his or their warrant for searching, within the hours of business, the house, warehouse or other place of any such person or persons who shall be charged on oath or affirmation as aforesaid as suspected to have received or taken in pawn, or by way of pledge, or in exchange, any such goods or materials, linen or apparel, without the privity of or authority from the owner or owners thereof; and if the occupier or occupiers of any house, warehouse or other place, wherein any such goods, materials, linen or apparel shall on oath or affirmation as aforesaid be charged or suspected to be, shall after the commencement of this Act, on request made to him, her or them to open the same by any peace officer authorized to search there by warrant from any justice or justices of the peace for the county, riding, division, city, liberty, town or place in which such house, warehouse or other place shall be situate, refuse to open the same and permit the same to be searched, it shall be lawful for any peace officer to break open any such house, warehouse or other place within the hours of business, and to search as he shall think fit therein for the goods, materials, linen or apparel suspected to be there, doing no wilful damage; and no pawnbroker or other person or persons shall oppose or hinder any such search; and if upon the search of the house, warehouse or other place of any such suspected person or persons as aforesaid any of the goods, materials, linen or apparel, which shall have been so pawned, pledged or exchanged as aforesaid, shall be found, and the property of the owner or owners thereof shall be made out to the satisfaction of any such justice or justices by the oath of one or more credible witness or witnesses, or if any such witness or witnesses shall be of the people called Quakers by solemn affirmation, or by the confession of the person or persons charged with any such offence, any such justice or justices shall thereupon cause the goods, materials, linen or apparel found on any such search, and pawned, pledged or

Justices may authorize peace officers to search for goods unfinished or entrusted as aforesaid and taken in pledge;

and shall cause the same when found to be restored to the owner.

exchanged as aforesaid, to be forthwith restored to the owner or owners thereof.

Justices may authorize peace officers to search for goods unlawfully obtained from the owner and taken in pledge;

XIII. AND be it further enacted, that if the owner or owners of any goods or chattels unlawfully pawned, pledged or exchanged, shall make out either on his, her or their oath, or by the oath of any credible witness, or being one of the people called Quakers by solemn affirmation, before any justice or justices of the peace within his or their jurisdiction, that such owner or owners hath or have had his, her or their goods or chattels unlawfully obtained or taken from him, her or them, and that there is just cause to suspect that any person or persons within the jurisdiction of any such justice or justices hath or have taken to pawn, or by way of pledge or in exchange, any goods or chattels of such owner or owners, and without the privity or authority of such owner or owners thereof, and shall make appear, to the satisfaction of any such justice or justices, probable grounds for such the suspicion of the owner or owners thereof, then and in any such case any justice or justices of the peace within his or their jurisdiction may issue his or their warrant for searching, within the hours of business, the house, warehouse or other place of any such person or persons who shall be charged on oath or affirmation as aforesaid as suspected to have received or taken in pawn, or by way of pledge or in exchange, any such goods or chattels without the privity of or authority from the owner or owners thereof; and if the occupier or occupiers of any house, warehouse or other place, wherein any such goods or chattels shall on oath or affirmation as aforesaid be charged or suspected to be, shall after the commencement of this Act, on request made to him, her or them to open the same by any peace officer authorized to search there by warrant from a justice or justices of the peace for the county, riding, division, city, liberty, town or place in which such house, warehouse or other place shall be situate, refuse to open the same and permit the same to be searched, it shall be lawful for any peace officer to break open any such house, warehouse or other place within the hours of business, and to search as he shall think fit therein for the goods or chattels suspected to be there, doing no wilful damage; and no pawnbroker or other person or persons shall oppose or hinder any such search; and if upon the search of the house, warehouse or other place of any such suspected person or persons as aforesaid any of the goods or chattels, which shall have been so pawned, pledged or exchanged as aforesaid, shall be found, and the property of the owner or owners from whom the same shall have been unlawfully obtained or taken shall be made out to the satisfaction of any such justice or justices by the oath of one or more credible witness or witnesses, or if any such witness or witnesses shall be of the people called Quakers by solemn affirmation, or by the confession of the person or persons charged with any such offence, any such justice or justices shall thereupon cause the goods and chattels found on any such search, and pawned, pledged or exchanged as aforesaid, to be forthwith restored to the owner or owners thereof.

and shall cause the same when found to be restored to the owner.

Proceedings against pawnbrokers refusing to deliver up goods to the pawner.

XIV. AND be it further enacted, that from and after the commencement of this Act, if any goods or chattels shall be pawned or pledged for securing any money lent thereon not exceeding in the whole the principal sum of ten pounds and the profit thereof, and if within one year after the pawning or pledging thereof (proof having been made on oath or affirmation as aforesaid

by one or more credible witness or witnesses, and by producing the note or memorandum directed to be given by this Act as aforesaid, before any justice or justices, to the satisfaction of any such justice or justices, of the pawning or pledging of any such goods or chattels within the said space of one year or one year and three months, as the case may be) any such pawner or pawners who was or were the real owner or owners of such goods or chattels at the time of the pawning or pledging thereof, his, her or their executors, administrators or assigns, shall tender unto the person or persons who lent on the security of the goods or chattels pawned, his executors, administrators or assigns, the principal money borrowed thereon and profit according to the table of rates by this Act established, and the person who took such goods or chattels in pawn, his or her executors, administrators or assigns, shall thereupon, without showing reasonable cause for so doing to the satisfaction of such justice or justices, neglect or refuse to deliver back the goods or chattels, so pawned for any sum or sums of money not exceeding the said principal sum of ten pounds, to the person or persons who borrowed the money thereon, his, her or their executors, administrators or assigns, then and in any such case, on oath or affirmation as aforesaid thereof made by the pawner or pawners thereof, his, her or their executors, administrators or assigns, or some other credible person, any justice or justices of the peace for the county, riding, division, city, liberty, town or place where the person or persons who took such pawn as aforesaid, his executors, administrators or assigns, shall dwell, on the application of the borrower or borrowers, his, her or their executors, administrators or assigns, is and are hereby required to cause such person or persons who took such pawn, his, her or their executors, administrators or assigns, within the jurisdiction of the justice or justices, to come before such justice or justices; and such justice or justices is and are hereby authorized and required to examine on oath or solemn affirmation, as the case may require, the parties themselves, and such other credible person or persons as shall appear before him or them touching the premises; and if tender of the principal money due and all profit thereon as aforesaid shall be proved by oath or affirmation as aforesaid to have been made (such principal money not exceeding the said sum of ten pounds) to the lender or lenders thereof his, her or their executors, administrators or assigns, by the borrower or borrowers of such principal money, his, her or their executors, administrators or assigns, within the said space of one year or one year and three months, as the case may be, after the said pawning or pledging of the goods or chattels, then on payment by the borrower or borrowers, his, her or their executors, administrators or assigns, of such principal money and the profit due thereon as aforesaid to the lender or lenders, his, her or their executors, administrators or assigns, and in case the lender or lenders, his, her or their executors, administrators or assigns, shall refuse to accept thereof, on tender thereof to him, her or them made by the borrower or borrowers thereof, his, her or their executors, administrators or assigns, before any such justice or justices, such justice or justices shall thereupon, by order under his or their hand or hands, direct the goods or chattels so pawned forthwith to be delivered up to the pawner or pawners thereof, his, her or their executors, administrators or assigns; and if the person or persons who shall have lent any principal sum or sums of money, not exceeding in the whole the said sum of ten pounds, on

any goods or chattels pawned, his, her or their executors, administrators or assigns, shall neglect or refuse to deliver up or make satisfaction for the goods or chattels which shall be so proved to the satisfaction of such justice or justices as aforesaid to have been so pawned, as any such justice or justices of the peace as aforesaid shall order and direct, then any such justice or justices shall and is and are hereby authorized and required to commit the party or parties so refusing to deliver up or make satisfaction for the same to the house of correction or some other publick prison for the county, riding, division, city, liberty, town or place wherein the offender or offenders shall reside or be convicted, there to remain, without bail or mainprize, until he, she or they shall deliver up the goods or chattels so pawned and continuing redeemable as aforesaid, according to the order of such justice or justices as aforesaid, or make such satisfaction or compensation as such justice or justices shall adjudge reasonable for the value thereof to the party or parties entitled to the redemption of such goods or chattels so pawned and continuing redeemable as aforesaid.

Persons producing notes or memoranda to be deemed the owners ;

and pawn-brokers to deliver goods to them, unless notice be given to the contrary, &c.

Where notice is given as aforesaid, or notes or memoranda are lost, &c., the pawnbroker to deliver copies of notes or memoranda to persons claiming to be owners ;

XV. AND to prevent any inconvenience to persons carrying on the trade and business of a pawnbroker from several different persons claiming a property in the same goods or chattels, be it further enacted, that from and after the commencement of this Act any person or persons who shall at any time produce any such note or memorandum as aforesaid to the person or persons with whom the goods therein specified were pawned or pledged as the owner thereof, or as authorized by the owner thereof to redeem the same, and require a delivery of the goods or chattels mentioned therein to him, her or them, such person or persons shall be and is and are hereby deemed and taken to be, so far as respects the person or persons having such goods and chattels in pledge, the real owner and owners, proprietor and proprietors, of such goods and chattels ; and the person or persons so using the said trade and business of a pawnbroker shall be and is and are hereby directed and required, after receiving satisfaction pursuant to the provisions of this Act respecting principal and profit, to deliver such goods and chattels to the person or persons who shall so produce the said note or memorandum to him, her or them, and shall be and is and are hereby indemnified for so doing, unless he, she or they shall have had previous notice from the real owner or owners thereof not to deliver the same to the person or persons producing such note, or unless notice shall have been given to him, her or them that the goods and chattels pawned have been or are suspected to have been fraudulently or feloniously taken or obtained, and unless the real owner or owners thereof proceeds or proceed in manner herein-after provided and directed for the redeeming of goods and chattels pledged, where such note hath been lost, mislaid, destroyed or fraudulently obtained from the owner or owners thereof.

XVI. AND be it further enacted, that in case any pawnbroker shall have had such previous notice as aforesaid, or in case any such note or memorandum as aforesaid shall be lost, mislaid, destroyed or fraudulently obtained from the owner or owners thereof, and the goods and chattels mentioned therein shall remain unredeemed, that then and in every such case the pawnbroker or pawnbrokers with whom the said goods and chattels were so pledged shall, at the request and application of any person or persons who shall represent himself, herself or themselves to the pawnbroker as the owner or owners of the

goods and chattels in pledge as aforesaid, deliver to such person or persons so requesting and applying for the same a copy of the note or memorandum so lost, mislaid, destroyed or fraudulently obtained as aforesaid, with the form of an affidavit of the particular circumstances attending the case printed or written, or in part printed and in part written, on the said copy, as the same shall be stated to him or her by the party applying as aforesaid; for which copy of such note or memorandum and form of affidavit, in case the money lent shall not exceed the sum of five shillings, the pawnbroker shall receive the sum of one halfpenny; and in case the money lent shall exceed the sum of five shillings and not exceed the sum of ten shillings, the pawnbroker shall receive the sum of one penny; and in case the money lent shall exceed the sum of ten shillings, the pawnbroker shall receive the like sum of money as he is entitled to receive and take on giving the original note or memorandum, such money to be paid by the party applying for the same at the time of making the said application; and the person or persons having so obtained such copy of the note or memorandum and form of affidavit as aforesaid shall thereupon prove his, her or their property in or right to such goods and chattels to the satisfaction of some justice of the peace for the county, riding, division, city, town, liberty or place where the said goods or chattels shall have been pledged, pawned or exchanged, and shall also verify on oath or affirmation, as the case may be, before the said justice, the truth of the particular circumstances attending the case mentioned in such affidavit or affirmation to be made as aforesaid, the caption of such oath or affirmation to be authenticated by the hand writing thereto of the justice before whom the same shall be made, and who shall and is hereby required so to authenticate the same; whereupon the pawnbroker shall suffer the person or persons proving such property to the satisfaction of such justice as aforesaid, and making such affidavit or affirmation as aforesaid, on leaving such copy of the said note or memorandum and the said affidavit or affirmation with the said pawnbroker, to redeem such goods or chattels.

who may  
redeem the  
goods on  
proving their  
property  
therein.

XVII. AND be it further enacted, that all goods and chattels which shall be pawned or pledged shall be deemed forfeited and may be sold at the expiration of one whole year, exclusive of the day whereon the goods and chattels were so pawned as aforesaid; and that all goods and chattels so forfeited, on which any sum above ten shillings and not exceeding ten pounds shall have been lent, shall be sold by publick auction, and not otherwise, by the order of the person having the same in pawn, at and after the expiration of the said year; but the person employed to sell such goods and chattels by auction shall and he is hereby required to cause the same to be exposed to publick view, and catalogues thereof to be published containing the name and place of abode of the pawnbroker, and also the month such goods were received in pawn, and the number of every such pledge as entered in the book or books kept for that purpose at the time the same were pawned, and an advertisement giving notice of such sale, and containing the name or names and place of abode of the pawnbroker or pawnbrokers with whom the said goods or chattels were in pledge, and also the month such goods were received in pawn, to be inserted on two several days in some publick newspaper two days at least before the first day of sale; and the goods and chattels pledged with every pawnbroker shall be inserted in every catalogue separate and apart

Pawned goods  
to be deemed  
forfeited at the  
end of a year,  
and goods on  
which more  
than 10s. has  
been advanced  
to be sold by  
public auction.

from each other ; upon pain of forfeiting to the owner or owners of the said goods or chattels for every offence in the premises any sum not exceeding ten pounds nor less than forty shillings.

Certain goods to be sold separate from other goods, and only on specified days.

XVIII. PROVIDED always, and be it further enacted, that all pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical and philosophical instruments, and china, which shall be sold by publick auction as aforesaid, shall be sold by themselves, and without other goods being sold at such sale, four times only in every year, (that is to say,) on the first Monday in the months of January, April, July and October in every year, and on the following day and days, if the sale shall exceed one day, and at no other time ; and the person who shall be employed to sell the same by auction shall and he is hereby required to cause the same to be exposed to publick view, and catalogues thereof to be published, and an advertisement giving notice of such sale, and containing the name or names of the pawnbroker or pawnbrokers with whom the said goods were in pledge, to be inserted two several days in some publick newspaper, three days at the least before the first day of sale ; upon pain of forfeiting to the owner or owners of the said goods for every offence in the premises any sum not exceeding five pounds, nor less than forty shillings.

On notice from persons entitled to redeem goods not to sell, three months further beyond the year to be allowed for redemption.

XIX. PROVIDED always, and be it further enacted, that in case any person or persons entitled to redeem goods or chattels in pledge shall, before or upon the expiration of the said one year from the time of pawning the same, give notice in writing, or in the presence of one witness, to the person or persons having the same in pledge, or leave the same at his, her or their usual place of abode, not to sell the same at the end of the said one year, then and in every such case such goods or chattels shall not be sold or disposed of by the person or persons having the same in pledge until after the expiration of three calendar months, to be computed from the expiration of the said year ; during which said term of three calendar months the owner or owners of the said goods and chattels shall have liberty to redeem the same upon the terms stipulated and provided by this Act.

Account of sales to be entered by the pawnbrokers in a book ;

XX. AND be it further enacted, that all and every person or persons, with whom any goods or chattels shall have been pawned or pledged, shall from time to time enter in a book or books, to be kept by him, her or them for that purpose, a true and just account of the sale of all goods and chattels pawned with him, her or them for upwards of ten shillings which shall be sold as aforesaid, expressing the day of the month when such goods were pledged and the name of the person pledging the same, according to the entry made at the time of receiving the same in pawn, and also the day when and the money for which such goods or chattels pawned were sold, together with the name and place of abode of the auctioneer by whom the same were sold, according to the information thereof from the auctioneer ; and in case any such goods or chattels shall be sold for more than the principal money and profit aforesaid due thereon at the time of such sale, the overplus shall by every such pawnbroker be paid on demand to the person by whom or on whose account such goods or chattels were pawned, his, her or their executors, administrators or assigns, in case such demand shall be made within three years after such sale, the necessary costs and charges of such sale being first deducted ; and such person or persons who pawned or pledged such goods or chattels, or for whom such

and overplus to be paid on demand within three years to the pawner of the goods ;

who may inspect entry of sale.

goods or chattels were so pawned or pledged, his, her or their executors, administrators or assigns, shall, for his, her or their satisfaction in this matter, be permitted to inspect the entry to be made as aforesaid of every such sale, paying for such inspection the sum of one penny and no more; and in case any person or persons shall refuse to permit any such person or persons who pawned or pledged such goods or chattels, or who is or are entitled to such overplus money, to inspect such entry as aforesaid in any such book or books (such person or persons, if an executor or executors, administrator or administrators, or assignee or assignees, at such time producing his, her or their letters testamentary, letters of administration or assignment), or in case the goods or chattels were sold for more than the sum entered in any such book or books, or if any such person or persons shall not make such entry as aforesaid, or shall not have bonâ fide, according to the directions of this Act, sold the same, or shall refuse to pay such overplus upon demand to the pawner or pawners, owner or owners, his, her or their executors, administrators or assigns (he, she or they producing such their letters testamentary, letters of administration or assignment), every such person or persons so offending shall for every such offence forfeit the sum of ten pounds, and treble the sum such goods and chattels shall originally have been pawned for, to the person or persons by whom or on whose account such goods or chattels were pawned, his, her or their executors, administrators or assigns, to be levied by distress and sale of the offender's goods and chattels by warrant under the hands and seals of any two justices of the peace for the county, riding, division, city, town, liberty or place where the offence shall be committed.

Penalty on pawnbroker offending.

XXI. AND be it further enacted, that from and after the commencement of this Act, no person or persons having any goods or chattels in pledge shall under any pretence whatsoever, either by himself or herself, or by any other person for him or her, purchase any such goods or chattels so being in pledge with him or her, during the time the same shall remain in his or her custody as such pledge, save and except at such publick auction as aforesaid, nor shall suffer the same to be redeemed with a view or intention to purchase the same; nor shall any such person taking or having any goods or chattels in pledge make or cause to be made any contract or agreement with any person or persons offering to pledge or pledging the same with the owner or owners of the pledge for the purchase, sale or disposition of the said goods and chattels before the expiration of one whole year from the time of pawning or pledging the same; nor shall any pawnbroker purchase or receive or take any goods or chattels in pledge of or from any person or persons who shall appear to be under the age of twelve years or to be intoxicated with liquor, or purchase or take in pawn, pledge or exchange the note or memorandum aforesaid of any other pawnbroker; nor buy any goods or chattels in the course of his, her or their trade or business before the hour of eight of the clock in the forenoon or after the hour of seven of the clock in the evening throughout the year; nor employ any servant or apprentice or any other person under the age of sixteen years to take in any pledge or pledges; nor receive or take in any goods or chattels by way of pawn, pledge or in exchange before eight of the clock in the forenoon or after eight of the clock in the evening between Michaelmas Day and Lady Day following, or before seven of the clock in the

Pawnbroker not to purchase goods while in his custody, except at public auction;

nor to take pledges from persons under 12 years of age, or intoxicated; nor to take in pledge another pawnbroker's note. Limitation of time of buying goods, of age of servant, and of time of taking in pawns, &c.

Trade not to  
be carried on  
on certain days.

Pawnbrokers  
to place in  
view the table  
of profits, &c.

Pawnbroker's  
name and  
business to be  
placed over his  
door, on  
penalty of 10*l*.  
&c.

Proceedings  
where pawn-  
brokers sell

forenoon or after nine of the clock in the evening during the remainder of the year, excepting only until eleven of the clock on the evenings of Saturday throughout the whole year, and the evenings preceding Good Friday and Christmas Day and every fast or thanksgiving day to be appointed by his Majesty; nor shall any person or persons exercise or carry on the trade or business of a pawnbroker on any Sunday, Good Friday, Christmas Day, or on any fast day or thanksgiving day to be appointed as aforesaid.

XXII. AND be it further enacted, that upon and from and after the commencement of this Act all and every person and persons, who shall follow and carry on the trade and business of a pawnbroker, shall cause to be painted or printed in large legible characters the rate of profit allowed by this Act to be taken by him, her or them, and also the various prices of the notes or memorandums to be given by him, her or them, according to the rates aforesaid, and an account of what notes or memorandums are to be delivered gratis, and of the expence of obtaining a second note or memorandum, where the former one has been lost, mislaid, destroyed or fraudulently obtained, and place the same in a conspicuous part or parts of the shop or other place wherein he, she or they shall carry on such trade or business, so as to be visible to and legible by the persons pledging goods and chattels standing in the several boxes or places provided for such persons coming to pawn or redeem goods and chattels at such shop.

XXIII. AND for the better manifesting by whom the trade or business of a pawnbroker shall hereafter be carried on, be it further enacted, that from and after the commencement of this Act all and every person or persons, who shall follow or carry on the trade or business of a pawnbroker, shall cause to be painted or written in large legible characters, over the door of each shop or other place by him, her or them respectively made use of for carrying on that trade or business, the christian and surname or names of the person or persons so carrying on the said trade or business, and the word "pawnbroker" or "pawnbrokers," as the case may be, following the same; upon pain of forfeiting the sum of ten pounds for every shop or place which shall be so made use of for the space of one week without having such name or names and the said word so painted or written as aforesaid, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace acting within the respective county, riding, division, city, town, liberty or place (which warrant such justices are hereby authorized and required to grant), upon the confession of the party or parties, or upon the information of any credible witness or witnesses upon oath or affirmation, as the case may be; and in case sufficient distress shall not be found, or such penalty shall not be forthwith paid, it shall be lawful, for such justices, and they are hereby required, by warrant under their hands and seals, to cause the offender or offenders to be committed to the county gaol or house of correction, there to remain, without bail or mainprize, for any time not exceeding three calendar months nor less than fourteen days, unless the said penalty and all reasonable charges shall be sooner paid and satisfied.

XXIV. AND be it further enacted, that if in the course of any proceedings before any justice or justices of the peace in pursuance of or under this Act



it shall appear, or be proved to the satisfaction of the justice or justices upon oath or solemn affirmation, that any of the goods and chattels pawned as aforesaid have been sold before the time allowed by this Act, or otherwise than according to the directions of this Act, or have been embezzled or lost, or are become or have been rendered of less value than the same were at the time of pawning or pledging thereof by or through the default, neglect or wilful misbehaviour of the person or persons with whom the same were so pledged or pawned, his, her or their executors, administrators or assigns, agents or servants, then and in any such case it shall be lawful for every such justice and justices, and he and they is and are hereby required, to allow and award a reasonable satisfaction to the owner or owners of such goods or chattels in respect thereof or of such damage; and the sum or sums of money so allowed or awarded, in case the same shall not amount to the principal and profit aforesaid which shall appear to be due to any person or persons with whom the same were so pledged or pawned, his, her or their executors, administrators, or assigns, shall be deducted out of the said principal and profit; and in all cases where the goods and chattels pawned as aforesaid shall have been damaged as aforesaid, it shall be sufficient for the pawner or pawners, his, her or their executors, administrators or assigns, to pay or tender the money due upon the balance, after deducting out of the principal and profit as aforesaid, for the goods or chattels pawned, such reasonable satisfaction in respect to such damage as any such justice or justices shall order or award, and upon so doing the justice or justices shall proceed as if the pawner or pawners, his, her or their executors, administrators or assigns, had paid or tendered the whole money due for the principal and profit aforesaid; and if the satisfaction to be allowed and awarded to the owner or owners of such goods or chattels shall be equal to or exceed the principal and profit aforesaid, then and in such case the person or persons to whom the same were so pledged or pawned, his, her or their executors, administrators or assigns, shall deliver the goods and chattels so pledged to the owner or owners thereof without being paid any thing for principal or profit in respect thereof, and shall also pay such excess (if any) to the person or persons entitled thereto, under the penalty of ten pounds, to be recovered and applied in manner herein-after mentioned.

goods before  
due time, or  
lose or injure  
them, &c.

XXV. AND be it further enacted, that it shall be lawful for any justice of the peace, upon complaint made to him on the oath or affirmation of one or more credible witness or witnesses, wherein any information shall be laid against any pawnbroker for having offended against this Act, or respecting any dispute between any pawnbroker and person having pawned goods or the owner or owners of goods pawned, or respecting any felony or other matter, or on any other occasion whatsoever, which in the judgement of any justice or justices shall make the production of any book, note, voucher, memorandum, duplicate or other paper necessary, which shall or ought to be in the hands, custody or power of any pawnbroker, to summon such pawnbroker before him to attend, with all and every or any book, note, voucher, memorandum, duplicate or paper, which he or she may or ought to have in his or her custody or power relating to the same; which he or she is hereby required to produce before such justice or justices in the state the

Pawnbrokers  
to produce  
their books  
when neces-  
sary.

same was or were made at the time the pawn or pledge was received, without any alteration, erasement or obliteration whatsoever; and in case such pawnbroker shall neglect or refuse to attend, or to produce the same in its true and perfect state, such pawnbroker shall, in case he or she doth not shew good cause for such neglect or refusal to the satisfaction of such justice or justices, forfeit any sum not exceeding ten pounds nor less than five pounds, to be levied and applied in the manner herein-after mentioned.

Penalty on  
pawnbrokers  
offending  
against this  
Act.

XXVI. AND be it further enacted, that in case any pawnbroker shall, from and after the commencement of this Act, in anywise offend against this Act, every such pawnbroker shall for every such offence in neglecting to make or cause to be made, in a fair and regular manner, in such book or books as aforesaid, any such entry as is required to be made by him, her or them by this Act, forfeit such sum of money as to the justice or justices before and by whom any information thereon shall be heard and determined, in his or their discretion, shall seem reasonable and fit, not exceeding the sum of ten pounds, and for every other offence against this Act, where no forfeiture or penalty is provided or imposed on any particular or specific offence against any part of this Act, not less than forty shillings nor more than ten pounds; and that all forfeitures incurred by any offence committed against this Act shall and may be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal or hands and seals of any justice or justices of the peace for the county, riding, division, city, liberty, town or place where the offence shall be committed; and the justices shall award one moiety of the said penalties to the party complaining, and the remainder of the aforesaid penalty or penalties not otherwise disposed of and applied by this Act is to be paid and applied to and for the use of the poor of the parish or place where the offence shall have been committed, and shall be paid to the overseers of the poor of such parish or place for that purpose.

Application  
of penalties.

Limitation of  
time for prosecution of pawn-  
brokers, &c.

XXVII. PROVIDED always, and be it further enacted, that no person or persons using or exercising the trade or business of a pawnbroker shall be subject or liable to any prosecution or information before any justice or justices of the peace by virtue of this Act for any offence or offences against this Act, unless information shall be given of such offence or offences within twelve calendar months next after the offence or offences committed; and that all and every such information and informations shall be given and prosecuted before such justice or justices of the peace as shall act as such justice or justices near to the place where such offence or offences shall have been committed, unless the same shall have been committed within the city or liberties of London.

Churchwardens,  
&c. to  
prosecute, &c.

XXVIII. AND be it further enacted, that the churchwardens and overseers of the poor of any parish or place where any offence shall be supposed to have been committed by any pawnbroker against this Act, or some or one of such officers, at the discretion or direction of any justice of the peace, on having notice from such justice of the peace of such offence being supposed to have been committed, shall and they or some or one of them, to be nominated by such justice as aforesaid, are and is hereby required to prosecute every offender for every offence so to be suggested by such justice to have been

committed against this Act, at the expence of the respective parish whereof they or he are, is or shall be for the time being such officers or officer.

XXIX. AND be it further enacted, that no person who has been convicted of any fraud, or of obtaining money under false pretences, or of any felony whatsoever, shall be allowed to prosecute or inform against any person or persons for any offence or offences committed against this Act.

Convicted persons, &c. not to prosecute or inform against any person, &c.

XXX. PROVIDED always, that nothing in this Act contained shall extend or be construed to extend to any person or persons whomsoever who shall lend money to any person or persons whomsoever upon pawn or pledge, at the rate of five pounds per centum per annum interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatsoever.

Act not to extend to persons lending money at 5l. per cent. per annum without further profit.

XXXI. AND be it further enacted, that all and every the provisions, regulations and clauses contained in this present Act shall from and after the end of this present session of Parliament extend to and include the executors, administrators and assigns of all and every deceased pawnbroker, in the same manner as the same extend to and include the pawnbroker when living; save and except that no such executor or administrator of any such deceased pawnbroker shall be answerable for any penalty or forfeiture personally, or to be paid out of his, her or their own monies or estate, unless the same shall be incurred and forfeited by his, her or their own act or neglect.

Act to extend to executors, &c. of pawn-brokers.

XXXII. AND be it further enacted, that if any person or persons shall at any time or times be sued, molested or prosecuted for any thing by him, her or them done or executed in pursuance of this Act, or of any clause, matter or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have double costs awarded to him, her or them against such plaintiff or plaintiffs. [Rep., 5 & 6 Vict. c. 97. s. 2.]

Persons sued for things done pursuant to Act may plead the general issue.

Double costs.

XXXIV. AND be it further enacted, that the justice or justices before whom any person shall be convicted in manner prescribed by this Act shall cause such respective conviction to be drawn up in the form or to the effect following; (that is to say.)

Convictions to be drawn up in the following form.

‘ to wit. } BE it remembered, that on this                      day of  
‘            } in the                      year of his Majesty’s reign, A.B. is  
‘ convicted before                      of his Majesty’s justices of the peace  
‘ for the said county of                      [or, for the  
‘ riding or division of the said county of                      or, for the city,  
‘ liberty or town of                      , as the case shall happen to be]  
‘ for                      , and the said                      do adjudge him  
‘ [or her] to pay and forfeit for the same the sum of                      .  
‘ Given under                      the                      day and year  
‘ aforesaid.’

And the said justice or justices before whom such conviction shall be had shall cause the same, so drawn up in the form or to the effect aforesaid, to be fairly written upon parchment, and transmitted to the next general or general

Convictions to be transmitted to the quarter sessions;

quarter session of the peace to be held for the county, riding, division, city, town, liberty or place wherein such conviction was had, to be filed and kept amongst the records of the said general or quarter session; and in case any person or persons so convicted shall appeal from the judgement of the said justice or justices to the said general or quarter session, the justices in such general or quarter session are hereby required, upon receiving the said conviction drawn up in the form or to the effect aforesaid, to proceed to the hearing and determination of the matter of the said appeal at such next session, and not afterwards, according to the directions of this Act, any law, custom or usage to the contrary notwithstanding; and no certiorari shall be granted to remove any conviction or other proceedings had thereon in pursuance of this Act.

and not to be removed by certiorari.

Appeal to the quarter sessions.

XXXV. PROVIDED always, and it is hereby further enacted, that if any person convicted of any offence or offences punishable by this Act shall think himself or herself aggrieved by the judgement of the justice or justices before whom he or she shall have been convicted, such person shall have liberty to appeal to the justices at the next general or quarter session of the peace which shall be held for the county, riding, division, city, liberty, town or place where such judgement shall have been given, and that the execution of the said judgement shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to pay or forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgement and determination of the justices in their said next general or quarter session, and to pay such costs as the said justices in such session shall award on such occasion, which recognizance the said justice or justices before whom such conviction shall be had is and are hereby empowered and required to take; and the justices in the said general or quarter session are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the said appeal the judgement of the justice or justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said general or quarter session shall award to be paid for defraying the expences sustained by the defendant or defendants in such appeal, or in default of making such payment shall suffer the respective pains and penalties by this Act inflicted upon persons respectively who shall neglect to pay or shall not pay the respective sums or forfeitures by this Act to be paid by or imposed upon persons respectively who shall be convicted by virtue of this Act.

Decision on appeal to be final.

Publick Act.

XXXVI. AND be it further enacted, that this Act shall be deemed a publick Act, and be judicially taken notice of as such by all judges, justices and other persons whomsoever, without the same being specially pleaded.

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## CHAPTER CIX.

AN ACT for granting to his Majesty a certain Sum of Money out of the Consolidated Fund ; for applying certain Sums of Money therein mentioned, for the Service of the Year One thousand eight hundred ; for further appropriating the Supplies granted in this Session of Parliament ; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders or other Orders, lost, burnt or otherwise destroyed. [29th July 1800.]

XXXIII. [7] AND whereas it frequently happens that Exchequer bills, lottery tickets and orders, and certificates made forth in lieu of lottery tickets, and likewise for annuities of divers kind payable at or near the receipt of his Majesty's Exchequer, as also receipts of the cashiers of the governor and company of the Bank of England, or some of them, for money contributed there for the purchase of annuities transferrable in the books of the said governor and company, or for other monies payable there in pursuance of divers Acts of Parliament, are by casualty or mischance lost, burnt or otherwise destroyed : Be it therefore enacted, that in all cases where it shall appear, by affidavit to be made before any or either of the barons of the Exchequer for the time being (who shall interrogate the deponent thereupon), to the satisfaction of such baron or barons, that any such Exchequer bills, or any such tickets, certificates, receipts, annuity orders or other orders as aforesaid have been, are or shall be lost, burnt or otherwise destroyed, or that there shall be good reason to believe that the same have been lost, burnt or otherwise destroyed, it shall and may be lawful for the respective officers and persons appointed to issue or make forth such Exchequer bills, tickets, certificates, receipts, annuity orders or other orders, or to pay or discharge the same, or to issue any monies due or payable thereupon, upon producing a certificate from any or either of the said barons of such affidavit made before him or them (which affidavit the said barons, or any or either of them, is and are hereby authorized to take, and which certificate he or they is or are hereby required to make and grant without fee or reward), and on security given to the said respective officers and persons, to their good-liking, to indemnify them respectively against all other persons whatsoever for or concerning the money specified in or due upon such respective bill or bills, ticket or tickets, certificate or certificates, receipt or receipts, order or orders, they the said persons respectively shall and are hereby required to make forth duplicates of the said bills, tickets, certificates, receipts and orders, at the request of the respective owners, and to pay, satisfy and discharge the same, and all such interest as shall be due on any of them carrying interest, or to make forth stock or transferrable annuities in lieu of such receipts, as he or they should have paid, satisfied or discharged or made forth on the said original bills, tickets, certificates, receipts, annuity orders or other orders, if the same had been produced, and shall be allowed all such payments, sum or sums of money

Duplicates of Exchequer bills, &c. lost or destroyed may be made out on affidavit of the fact, &c.

[\* Rep., except so far as relates to receipts of cashiers of the governor and company of the Bank of England, Stat. Law Rev. Act, 1871.]

in their respective accounts; and in all cases where the signing of the commissioners of his Majesty's Treasury or the lord high treasurer of Great Britain for the time being shall be necessary for making the said duplicates or any of them effectual for the purposes aforesaid, it shall and may be lawful to and for the said commissioners of his Majesty's Treasury, or any three or more of them, or the lord high treasurer for the time being, to sign such duplicates accordingly.

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END OF THE THIRD VOLUME.

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